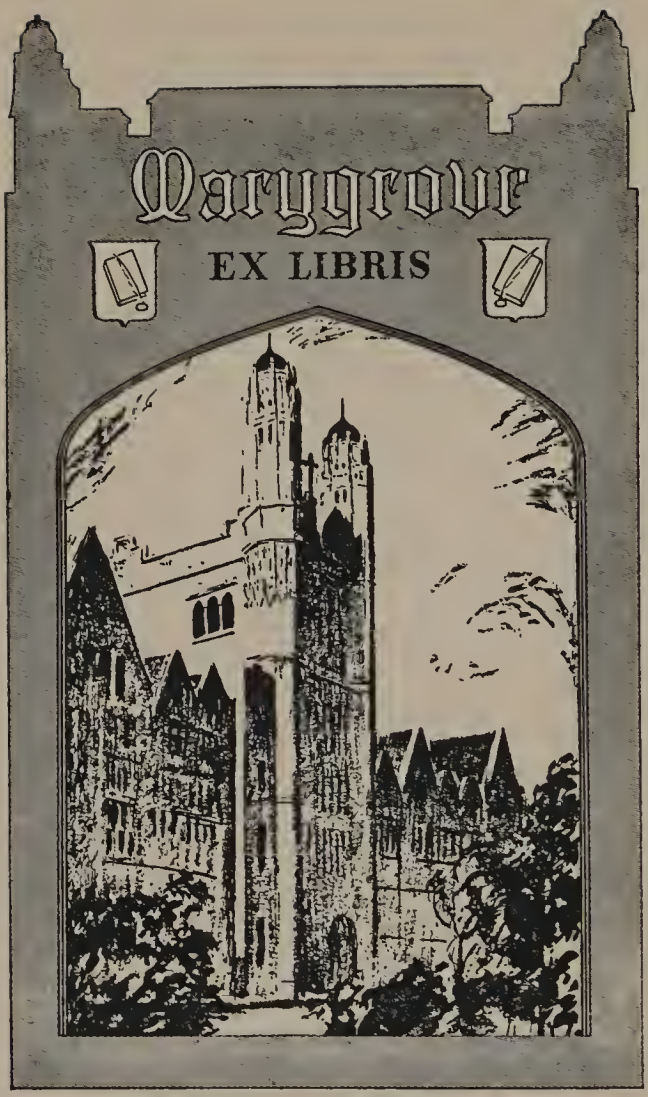
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THE MORALITY OF THE STRIKE

BY

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INTRODUCTION BY

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INTRODUCTION

By Rev. John A. Ryan, D.D., Professor of Moral Theology in the Catholic University of America

The subject discussed in this book has been of considerable importance for more than a century and a half. During the last fifty years strikes in the United States have increased with great and almost continuous rapidity. The average for the last few years is estimated at ten per day. Every strike causes immediate hardship to the employers and employees directly involved, and in the majority of cases to a greater or less number of other persons. Industrial hardship is almost always detrimental to human welfare, inasmuch as men cannot live right and reasonable lives unless they possess at least a fair degree of economic security and a fair amount of economic goods. This is entirely apart from the physical injuries to persons and property which the strike not infrequently entails.

Obviously, therefore, the strike involves questions of right and wrong, has important moral aspects. To discuss and evaluate these aspects is the object of the present volume.

There are three weighty reasons why Father McLean's book is greatly needed at the present time. The first is the general fact that a large proportion of the two conflicting parties, employers and employees, either ignore entirely or inadequately estimate the moral side of strikes. Sometimes one and sometimes the other party regards the struggle as merely an economic contest. In the main this attitude is a legacy of the *laissez-faire* doctrine of free and unlimited competition. All economic actions that were free from fraud or physical force were held to be either outside the scope of morals or in conformity with good morals. More often one or the other party exaggerates the rightness of its own position and the wrongness of the position occupied by its opponent. Evidently strikes will neither decrease to the extent that is feasible, nor, when they do occur, attain the maximum of just results, until both employers and em-

ployees are sufficiently instructed to consider and weigh all the important moral phases.

The second fact that makes the volume in hand helpful and timely is the increasing popular conviction that strikes should be prohibited by law. This view has already been enacted into law in Kansas, and is there enforced by the Industrial Court. Last November the people of Nebraska adopted an amendment to their constitution which authorizes the enactment of similar legislation for that State. These are grave departures from previous practice in the United States. Of course, they raise important questions of constitutional rights, as well as of industrial expediency. But they also involve the problem of moral rights. This problem can be solved only by a study of all the moral aspects of the situation.

In the third place, Father McLean's book is valuable because it discusses the subject more thoroughly and more fundamentally than does any existing work in the English language. We have many magazine articles and pamphlets which cover the field in outline; but none of these productions comes

as near to presenting all the phases of the subject or to treating them all adequately as does the present volume. Moreover, the book evinces a greater knowledge and gives a better presentation of the pertinent economic conditions and relations than is to be found in any other English publication on the moral side of industrial disputes. This is not the least of the merits of the volume; for we cannot arrive at correct moral judgments on any phase of the strike problem until we know all the underlying economic facts. For example, many persons regard the sympathetic strike as in all circumstances wrong, and compulsory arbitration as always desirable; a larger knowledge and view of the facts of industry and politics would compel a revision of this judgment.

In a matter of such great complexity, and concerning which we have no official Church pronouncements as regards details, it is easily possible for any individual to be mistaken in one or other of his ethical conclusions. Nevertheless, there is good reason to believe that the moral judgments set down in Father McLean's book will safely endure the test of any competent analysis.

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I

HISTORY OF THE ORIGIN AND DEVELOPMENT OF THE STRIKE PROBLEM

THE strike may truly be said to be a problem peculiar to modern industrial life. Yet the struggle manifested in industrial life can itself hardly be called a modern one, as it already bears the marks of the wear and tear of ages. Its origin must be traced back far beyond the beginning of the present industrial system to remote antiquity—to the unhappy and degraded state of the first laboring class of history—the slaves. "Ancient civilization comes before us with an economic regime founded upon the slavery of the industrial professions." [1] How and at what period

[1] Dunoyer, De la Liberte du Travail, Lib. IV, C.IV, 1.

this regime became established we have no knowledge. "In the oldest times, until when it is not evident, slavery did not prevail to any considerable extent but more use was made of free labor." [1] According to St. Thomas, "In the beginning freedom and equity prevailed" among the peoples, "the distinction of slavery being introduced not by nature but by reason." [2] In the Old Testament we find that, at the time of Abraham, slavery was already an established institution [3] as had been predicted long before by Noe.[4] It would seem that the industrial systems of almost, if not all nations, previous to the advent of Christianity, depended upon slavery. "It existed anciently among Babylonians, Assyrians, Egyptians, Hebrews, Persians, Phœnicians, Greeks, Romans, and in India, China and Africa." [5]

Slavery is the first condition in which labor appears as a class in history. Cicero and Livy record the disappearance of a free

[1] Mommsen, quoted by Niebor, Slavery as an Industrial System, p. 174.
[2] Summa 1, 2 q. 94, a. 5, ad. 3.
[3] Cf. Genesis XXI, 10.
[4] Ibid., IX, 25-27.
[5] New International Encyclopedia, 2nd edition, Vol. 21, Art. Slavery, New York, 1917.

plebs from the country districts of Italy and its replacement by gangs of slaves working on large estates.[1] Cato tells us the latter was preferable.[2] During the age of the Antonines, as we are informed by Gibbon, there were as many slaves as freemen in the Roman Empire,[3] while Father Husslein states that "the slave population of Rome in the early days of the Empire is estimated at 1,000,000 as against only 10,000 of the upper classes . . . there was no middle class." [4]

According to the historian Ingram "in the year 309 B. C. the Athenian slaves numbered from 188,000 to 200,000, while the freemen numbered 67,000. Of Spartans there were 3,200, of Helots 220,000." [5]

Previous to the advent of Christianity the condition of the slaves was, with the exception of those of the Hebrews, marked by great injustices and extreme cruelty. Among the Hebrews, slaves were protected from cruelty and from permanent bondage by the Old Testament laws.[6] As St.

[1] Cf. Cic. 11 C. Pull 30, 31; Livy V, XII.
[2] Cf. V. 4.
[3] Cf. Guizot, Vol. 1, p. 27.
[4] Democratic Industry, p. 32.
[5] History of Slavery, pp. 23, 24.
[6] Cf. Deut. V, 16; XVI, 14; Exod. XXI, 2.

Thomas remarks they were slaves *secundum quid* not *simpliciter* "quasi mercenarius usque ad tempus." [1]

The Egyptian Pharaohs made the exportation of slaves a regular and profitable trade. "An extensive slave trade with the Mediterranean islands, Asia Minor, Africa, or Southern Europe aided to fill Athens, Corinth, Ægina, and Italy with vast numbers of slaves numbering often thrice the free men." [2] These "slaves were" according to Aristotle "the living working tools and possessions" [3] and they were generally treated as such. The master had complete power over the life and death of his slaves; a policy often practiced as more profitable than to provide properly and to care for the slave, was to wear him out in a few years.[4]

No wonder then that there should be some outbursts of revolt against such treatment, although generally the continual threat of death held over slaves by their masters tended to suppress any such uprisings. As early as the year 413 B. C. we read of a

[1] 1; 2 qu. 105, a. 4, ad. 1, 4.
[2] New International Encyclopedia, op. cit.
[3] Polit. Bk. 7, C. 9.
[4] Cf. Husslein, Democratic Industry, p. 32. New York, 1919.

"revolt of the slaves in the silver mines at Laurium." [1] The insurrection at Latinum and that headed by Spartacus are instances of other struggles of a similar nature.

Although these revolutions can hardly be called strikes in the modern sense of the term, they are still the historical antecedents of the present labor struggles, their purpose being akin to that which is at the basis of present day industrial conflicts. They constituted a revolt of the workers against the oppression and grave injustices of those for whom they labored, and represented the expression of the general desire for personal liberty and relief from the industrial system of the time which ground them in both soul and body.

Some historians [2] have endeavored to show that these uprisings were caused and directed by labor organizations and unions which, they claim, existed even at this early period. This opinion can hardly be maintained in view of the conclusions of those who have made exhaustive studies of the subject. The Greek "Eranoi" were largely

[1] Thuc. De Bello Pelopen. VII, 27.
[2] Cf. Osborne Ward, The Ancient Lowly, Vol. 1, Cc. 3, 12.

clubs or societies for convivial and religious purposes. To ascribe to them a character of mutual relief and benefit associations such as characterizes our modern labor unions is shown by Van Holst to be incorrect.[1] Waltzing, in his work "Etude historique sur les corporations professionelles chez les Romains," has shown conclusively that "the industrial associations among the Romans undoubtedly were not labor unions, nor commercial, nor co-operative unions." [2] These guilds "made no attempt to raise wages, to impose working conditions, to limit the number of apprentices, to develop skill and artistic taste in the craft, or to better the social or political position of the laborer. It was the need which their numbers felt for companionship, sympathy and help in the emergencies of life and the desire to give more meaning to their lives that drew them together." [3]

Christianity exercised very great influence in relieving the masses of the people from the galling yoke of slavery under which they labored at the beginning of our

[1] Cf. Smith, Dictionary of Greek and Roman Antiquity, Art. Eranoi.
[2] Vol. II, p. 478.
[3] Waltzing, Op. cit., pp. 221-222.

era. Wherever the Church went she preached the dignity of man, the common brotherhood of all under the Fatherhood of God, etc. Such teaching was bound to have a great effect on the treatment of the laboring class by their masters especially those who became Christians. Even the socialist writer, Thomas Kirkup, bears testimony to the influence of the Church in bettering the condition of the laboring element of the times. "The Christian Church," he writes, "did much to soften and abolish slavery and serfdom." [1] The fall of the Roman Empire also contributed to their relief. Slavery gradually became toned down to a more humane condition known as serfdom where they became attached to the household of their masters.

According to Ashley, "serfdom remained the condition of the majority in the lower order of society from the sixth to the twelfth century. The system amounted to a modified form of slavery. Personal ownership disappears, but the serf belongs in general to the land and is bound to the soil, or is obliged to give personal service. He must work a part of the week on his master's

[1] History of Socialism, 6th edition, p. 450.

land, help in the sowings and harvests, and make quarterly payments in money or kind, besides being subject to various fines." [1] This was a forward step in the betterment of the condition of the laboring class. Serfdom itself was transitory, "with no other destination than leading the working population up to the state of entire freedom." [2]

Serfs soon began to purchase their freedom, many were liberated by their Christian masters, others fled to the growing towns and secured their freedom by avoiding being claimed by their masters for a year and a day. In this way by the fourteenth century serfdom had died out of England without any legislation against it. In Spain Ferdinand freed all serfs in 1486. In Germany serfdom continued until 1817 while in Russia it was finally abolished only in 1861.[3]

The period which marks the decline of serfdom in England, and which corresponds to the period of the growth of craft guilds, saw great advancements in the condition of laboring classes. The period of the full de-

[1] English Economic History, Vol. III, p. 9.
[2] Op. cit., p. 86.
[3] Cf. New International Encyclopedia, Vol. XXI, Art. Slavery.

velopment of the system of craft guilds or the latter Middle Ages has been called by many the "golden era of labor." [1] The guild legislation "kept steadily before itself the ideal of combining good quality and a price that was fair to the consumer with a fitting remuneration to the workmen." [2]

Until the fourteenth century the period of serfdom was not disturbed by any serious labor trouble. The influence of the teachings of the Christian religion effected the removal of most of the injustices to which the laboring class had previously been subjected. In the year 1381, however, a revolt of considerable consequence occurred in England, but this was really social and political rather than economic in character. A few years previous to this, in 1350, a dispute arose between the masters and the valets among the shearmen which closely resembled the modern strike as also that among the weavers in 1362.[3] On the continent "we have reference to a strike in Germany among the girdle makers as early as

[1] Rogers, Work and Wages, p. 326; Potter, Development of English Thought, p. 84.
[2] Cf. Ashley, op. cit., Vol. II, p. 169.
[3] Ibid., p. 103.

1329, and in 1349 the tanners of Paris struck for an increase of wages." [1]

The advent of the sixteenth century "Reformation" produced a great change in the condition of labor. Largely through the influence of the Catholic Church, the masses of the laboring classes had been raised from the condition which, according to the old Roman and Germanic law, placed them "on a level with cattle and other mobilia," to one which has been frequently termed by impartial historians "the golden age of labor." This condition was soon overturned, and within the space of a few decades the laboring classes were again reduced to a condition of degradation not much better than that which existed under ancient slavery. "The Reformation," says Bruno Schoenlank, a great non-Catholic authority on this subject, "was drawing its social conclusions, the golden age of the laborer was coming to an end, capitalism began to bestir itself." [2] In his History of Agricultural Prices in England, J. E. T. Rogers declares that "the masses of the people were

[1] Adams and Summer, Labor Problems, p. 177. New York, 1915.

[2] Sociale Kampfe vor 300 Jaren, p. 51.

the losers by the Reformation." As early as the period "between 1541 and 1601 it was necessary to pass twelve acts of Parliament with the distinct object of providing relief against destitution." [1]

Some idea of the degradation to which the laboring class sank under the individualistic, "laissez faire" policy generated by the Reformation can be gathered from the statement of Professor Hayes of Columbia University. Even children could no longer be counted as free. "There was a law by which pauper children could be forced to work, and under this law thousands of poor children, five and six years old, were taken from homes, sent from parish to parish to work in factories, and bought and sold in gangs like slaves. In factories they were set to work without pay. If they refused to work irons were put around their ankles, and they were chained to the machine, and at night they were locked up in the sleeping huts. The working day was long—from five or six in the morning until nine or ten at night. Often the children felt their arms ache with fatigue and their eyelids grow heavy with sleep, but they were

[1] Vol. I, p. 10.

kept awake by the whip of the overseer. Many of the little children died of overwork, and others were carried off by diseases which were bred by filth, fatigue, and insufficient food." [1] Anti-slavery orators dilated eloquently upon the miseries of the negroes, while the children of Englishmen at home, as Sir Robert Peel said in 1816, "torn from their beds were compelled to work, at the age of six years, from early morn till late at night a space of perhaps fifteen or sixteen hours under lashes of even more heartless slave-masters. Such was the institution that had replaced the apprenticeship system of the Catholic guilds of the Middle Ages." [2] In Germany about 1650 the Nurnberg City Council commanded the silk weavers' journeymen to "observe the fear of God and a fifteen-hour work-day." [3]

With the passing of the medieval guilds, "labor became a commodity like all other commodities. It must enter into competition upon the open market." [4] With the removal of guild restrictions "the way

[1] Hayes, Carlton J. H., A Political and Social History of Europe, Vol. II, pp. 85, 86.
[2] Husslein, Democratic Industry, p. 217.
[3] Schoenlank, op. cit., p. 146.
[4] Lewis, The Rise of the American Proletariat, p. 27.

was now open for political autocracy and for individual capitalism. What followed is too well known to call for description. The domestic system, the factory system, and the industrial revolution are successive milestones. With each step forward towards a loudly acclaimed national prosperity the toiling masses were ground more helplessly beneath the feet of that merciless idol of modern commercialism to which the Reformation had surrendered them." [1] Tennyson could describe the England of his day in the following lines:

"There among the glooming alleys
Progress halts on palsied feet,
Crime and hunger cast our maidens
By the thousands on the street.

"There the master scrimps his haggard sempstress
Of her daily bread,
There a single sordid attic
Holds the living and the dead." [2]

Indeed it would not be very difficult to reduplicate this picture even in our own day. The Coal Commission of England in 1919 showed that "in one town alone 27,000 out of 38,000 people were living in one or two-

[1] Husslein, op. cit., p. 305.
[2] Locksley Hall Sixty Years After.

room houses; in another twenty-eight per cent of the population was living in houses of one room only. In Lanarkshire out of 188,000 children born 22,000 die before they reach the age of one year." [1]

Is it any wonder that the masses of the people should revolt against such a system and endeavor to free themselves from the galling yoke of economic slavery? Yet even the laws of the land conspired against the workers to prevent any betterment of their condition. In England "until the year 1824," when the combination laws were repealed, "any combination to raise wages was illegal." [2]

In France by a law of May 25, 1864, coalitions of workers were allowed provided they were not accompanied by threats or violence.[3] It was only in 1871 that laborers' associations were given civil recognition in England and in 1884 in France. Although strikes, as such, have never been illegal in the United States, still, until 1830,

[1] The London Universe, March 21, 1919, Quoted by Husslein, Christian Democracy, p. 193.

[2] New International Encyclopedia, Vol. 21, Art. Strikes and Lockouts.

[3] Cf. Garriguet, Regime du Travail, p. 129, Paris, 1908.

they were prohibited by the conspiracy laws of the country.[1]

However, the laws forbidding associations of laborers and suppressing strikes for the betterment of their condition were not always effective. "Several serious strikes occurred during these periods. One of the most formidable was that of the workers at Lyons in 1831. In 1810, even in spite of most rigorous prohibitory laws, a strike which lasted four months of 30,000 workers occurred in Lancashire, England." [2] Yet the number of such strikes in violation of existing laws was but small. In the United States "the first strike of which there is any knowledge took place in New York in the year 1741." [3] Even with the restrictive prohibitions removed, the number of industrial disturbances remained small for quite a number of years. It may be said then that the strike problem is truly a modern one. During the period of almost a century and a half succeeding the appearance of the first strike in New York in 1741 the Commissioner of Labor has been able to find evidence of the occurrence of only 1440

[1] New International Encyclopedia, op. cit.
[2] Garriguet, op. cit., p. 129.
[3] Adams and Summer, Labor Problems, p. 177.

strikes and lockouts in this country.[1] During the quarter of a century succeeding this (1881-1906) the actual strikes and lockouts recorded give the number as 36,757,[2] while, notwithstanding the urgent request of the National War Labor Board "that there should be no strikes or lockouts during the war," [3] during the first two years of this country's participation in the Great War, no less than 8,644 strikes and lockouts were recorded.[4] During the year 1918-1919 the strikes and lockouts for the first nine months numbered 2,837, many of which were strikes of more than ordinary magnitude, such as "the general strike of 367,000 steel workers beginning September 22, and involving most of the steel centers of this country, and the strike of 250,000 railway shopmen in August," etc.[5]

The strike was an event comparatively rare half a century ago. The number in our days has increased so rapidly that they now in the United States average at least

[1] Cf. Adams and Summer, op. cit.
[2] 21st Annual Report of the Commissioner of Labor, Strikes and Lockouts, 1906.
[3] The Forum, Vol. 60, p. 331.
[4] Cf. Monthly Labor Review, U. S. Dept. of Labor, June, 1919, p. 308.
[5] Monthly Labor Review, Dec., 1919, p. 369.

ten a day, with some of them of such magnitude and so far reaching in their evil effects that not a few sober-minded persons have been considering seriously the question whether strikes can be defended at all, or if they can be defended in particular instances, whether they should not, on account of their frequent and general tendency to occasion an almost continual disturbance of the social and industrial relations, be condemned as constituting a real menace to society. Such would seem to be the opinion expressed by no less a person than the late President of Harvard University. In a full page article in the Sunday issue of the New York Times, entitled "Why the Public Has Lost Sympathy with Strikes," Dr. Eliot states that "until recently the mass of the American people has usually felt a general sympathy with the workingmen and women who have struck" . . . but "within the last six years the opinion and sentiments of the mass of American people about strikes have been undergoing a remarkable change, slowly at first but later rapidly." [1] Some would even go so far as to say that strikes

[1] March 7, 1920.

constitute such a serious menace to society as to call for Federal and State prohibitory legislation, if not on the score of their being intrinsically immoral, at least as a necessary measure for the promotion of the common welfare of the State.

II

THE MORALITY OF THE STRIKE INTRINSICALLY CONSIDERED

IN the broad and general sense of the term a strike may be defined as a cessation from work by a number of employees, but in the narrower and more technical sense a strike is an organized cessation of work on the part of a number of workmen in an industry for the purpose of enforcing certain demands from the employer. There are, it would seem, three essential elements in any strike: first, there is the cessation from work of at least a considerable number of the employees of an industry; secondly, this cessation of work is a combined and organized movement,—any number of persons might relinquish their positions in a particular employment at the same time, but unless there is concerted action there is no strike; thirdly, the organized cessation of work on the part of the laborers is for a definite pur-

pose bearing on their relations with the employer. The purpose of a strike is to secure certain demands which those who strike endeavor to obtain through a suspension of work, both by refusing to work themselves, and by endeavoring to prevent others from occupying the positions temporarily vacated. It is hardly ever the intention of the strikers in quitting work to seek employment elsewhere, but to get back their old jobs when they shall have secured the advantage sought. The employer, too, usually desires that the strikers return to work for him, even if the strike has been long and violent. To have to take on an entirely new staff of laborers would be a real loss to him. He, therefore, endeavors to utilize whatever means are available to compel the men to return to work without his having granted their demands.

In determining the lawfulness or unlawfulness of any action a fundamental consideration is the morality of the act *in se*, i. e., its intrinsic morality. If an action can be condemned on that score, no purpose, however lofty, nor circumstances, however unusual, can justify the placing of such action. If the strike, then, can be condemned on the

ground that it is intrinsically immoral—if any of its essential elements can be condemned on the score that they involve the violation of necessary relations, then there is no further necessity of entering into a detailed consideration of the various elements that might enter into a particular case. If a strike is intrinsically immoral, no modifying conditions of methods, time, place, or other circumstances can render it morally justifiable.

Are the acts which necessarily enter into the constitution of a strike immoral? Can either of the three essential elements of a strike be condemned as immoral *in se?*

In answer to these questions it may be stated in the first place that strikes are nowhere declared to be intrinsically immoral, neither in the Encyclical *Rerum Novarum* of Pope Leo XIII,—which may be considered as the official formulation of the Church's teachings on the moral issues involved in the labor and other economic problems,—nor in the writings of Catholic moralists. This fact, while not justifying us in concluding that strikes are not intrinsically immoral, does furnish a strong presumption in favor of such a contention. In

fact the Encyclical in its treatment of the strike and labor problems implicitly assumes that such a contention is a true and valid one, while all moralists, who deal with the strike question, not only assume the validity of such a contention, but even lay down certain conditions under which they declare a strike to be licit.

As there exists "no positive divine or ecclesiastical law against strikes" [1] nor any general civil law, they can only be condemned as intrinsically immoral because they necessarily involve some violation of the natural law. Such a claim, however, can in no way be substantiated. Under certain conditions or in particular instances, it is true, such a violation may occur, but the cause of this violation must be laid to extrinsic relations, rather than to the intrinsic nature of the strike itself.

The first element of the strike—the cessation of work—scarcely requires a formal justification, for every man has a full and clear right to resign his employment at any time he wishes, provided he does not violate any other person's right in so doing. Many

[1] Macksey, Argumenta Sociologica, p. 128. Rome, 1918.

theologians [1] would contend that, apart from the obligation based on contract between employer and employed, a man has the unrestricted right to decide for himself when and under what conditions he will work and consequently they are of the opinion that he has the full and clear right to quit his work whenever he chooses. According to such authorities a man's natural right to quit his job is so extensive that he could never, apart from the violation of valid contracts between himself and an employer, violate justice in so doing. "At most an obligation might arise in charity not to leave off work where the cessation of labor would put a master to great loss and expense." [2] This is a matter for the individual laborer to determine, as it is for the employer to say whom and how long he will employ a particular person or whether he will employ anyone at all.

Such a view of the relations existing between the employer and the laborer would seem to be untenable. "The employer and the employee are too intimately dependent upon each other in the realization of their natural rights to make arbitrary severance

[1] Vermeersch, Quaestiones de Just., n. 474-b. Cronin, The Science of Ethics, Vol. II, p. 356, N. Y., 1917.

[2] Cronin, op. cit., Vol. II, p. 357.

of their relations consistent with justice." [1]

It can be no argument to say that, as there is no contract compelling the employer to retain the laborer, both are consequently free from all obligations in the matter, any more than the absence of an agreement to pay a living wage can free him from his strict obligation in justice in this matter. Man's abstract right to a decent living from the goods of the earth, and his concrete right to wages by which he actualizes this general right is not properly and reasonably safeguarded, unless it includes the further right to continue in the employment and receive wages from a particular employer for whom he is performing his tasks efficiently, as long as the employer is able to pay him and continues operations. Relationship and environment create special obligations which bind not merely in charity but also in justice.[2] It is certain that an employer can discharge a man for a reasonable cause. A reasonable cause will remove the binding force of the obligation which his special relation to his employer created. It seems equally true that in the absence of a

[1] Ryan, The Church and Socialism, p. 116.
[2] Cf. Ryan, op. cit., p. 111.

reasonable cause the employee's right to a decent living, which he can only actualize by the exercise of his labor at a particular job, should not be interfered with by his being dismissed at the arbitrary will of the employer. The conclusion seems reasonable that "men who are performing tasks efficiently and to whom discharge will bring grave inconvenience, have a right to their jobs that differ only in degree from the right to a living wage and the right to first occupancy." On the other hand and for the same reasons "the employer has a corresponding right to the services of his employees as long as he treats them justly. They do him an injustice if they leave him without a reasonable cause." [1] So it would seem that the theory, that "employees have not only a legal right but a moral right to quit work whenever they choose and that the employer enjoys the corresponding right to arbitrarily dismiss his employees," is quite untenable. "Striking workmen have some moral tie, if not technical or legal rights in their general position towards their recent employer. The 'cash' nexus is not the only one. When that has been broken and wages

[1] Op. cit., p. 112.

are no longer paid and received, there is still a bond of some sort. So they feel and society substantially agrees with them. . . . Even the employer is likely to speak of them as his workmen, implying that there is yet a tie of some kind between them." [1]

No matter which theory we hold, it remains true that the individual has the right to quit work for any reasonable cause. This is particularly true if the conditions are unjust or if the employer refuses to accede to his reasonable demands. "A man is by nature free to give or withhold his labor. He is justified in withdrawing the labor he has been furnishing when he suffers a wrong in some condition of his work." [2] He has the right to stipulate as a condition of his returning to work that the unsatisfactory conditions be remedied or the injustice be removed. This being so, there is nothing in the nature of the case that would constitute a violation of justice or render the act immoral should several or all of the individuals in the employ exercise their right to quit work when conditions are not satisfac-

[1] Gilman, Methods of Industrial Peace, p. 252, N. Y., 1904.

[2] Parkinson, A Primer of Social Science, p. 129, N. Y., 1913.

tory or for some other reasonable cause. Nor can it be said that, by entering into an agreement among themselves to do so, they thereby render their action immoral. For "if each man has a right against his employer to refuse to work except on his own conditions, he has a right to refuse to work except on conditions to which he and his fellow-workers have agreed. The fact of entering into an agreement cannot of itself be a violation of any right, if every party to the agreement has a right to do that to which he commits himself by agreement." [1] It is true that there is a great difference between men singly refusing to work and combining to refuse to work, and to prevent others from filling the positions vacated. But the difference is one of effect rather than one affecting the essential relations between the employer and the workmen. "There is no difference as far as justice is concerned, unless there is some species of injustice implied in the means of combination or in the influence brought to bear on others." [2]

With regard to the first of these, viz.: the use of organization to effect their purpose,

[1] Kelleher, Irish Theol. Quart., Vol. 7, p. 5.
[2] Kelleher, op. cit., p. 12.

we may say that of itself it involves no immorality. It is but a manifestation of the natural right of association. "To enter society of this kind is the natural right of man. . . . The experience of his own weakness urges man to call for help from without." [1] Man's nature as well as the experience of ages teaches him that "he cannot effectively pursue happiness nor attain to a reasonable degree of self-perfection unless he unites his energies with those of his fellows." [2] In the religious, moral, political, intellectual, and purely social departments of life the dependence of man upon his fellow beings and the need of association is evidenced by the innumerable types and forms of societies which have, as it were, spontaneously, sprung into being. They respond to a fundamental need of man's nature in the working out of his destiny.

In the economic order the need of association is equally urgent and in accordance with man's nature. "Since the individual is dependent upon so many other individuals for many of these material goods that are indispensable to him, he must frequently

[1] Leo XIII, On the Condition of Labor.
[2] Op. cit.

combine with those of his neighbors who are similarly placed if he would successfully resist the tendency of modern forces to overlook and override the mere individual." [1] Association is not only in accordance with nature, but it would seem to be a necessary means of safeguarding the individual workman against injustice. It is not too much to say that "nature has dictated 'association' as a means of safeguarding the human race. Thereby strength is acquired, means are provided for living in greater security, enjoying tranquillity and happiness while facilities which are conducive to well-being are at hand." [2] We may safely conclude, therefore, that "laborers have a moral right to unite to obtain better terms from their employers, if this action would involve no injustice to either the employer or the consumer." [3]

Nor can it be said that the strike is immoral on the score that it necessarily violates the natural right of the employer to "freedom of contract" with other laborers.

[1] Ryan, The Church and Socialism, p. 101. Wash., D. C., 1919.
[2] O'Herby, C. M., The Labor Problem, Irish Eccl. Rec.
[3] Ryan, The Church and Socialism, p. 101. Wash, D. C., 1919.

As long as the workers have a just cause for striking the attempt on the part of the strikers to dissuade others from taking up the positions temporarily vacated violates no strict right of the employer as long as the methods used are justifiable. Although the strikers have stopped working they have not severed all connection with their employers or their work. It is their intention to resume the jobs vacated as soon as their demands are granted. And if these demands are just in themselves there can be, in the nature of the case, no valid reason why the strikers should not be permitted to use means that are licit in themselves for the attainment of their end. "The employers certainly cannot have a strict right that the men abstain from such attempts at dissuasion," [1] as may induce others to refrain from accepting employment from one who refuses just terms to his laborers. Surely when men are striving for a just share in the proceeds of an industry, or for conditions of employment that are reasonable, it cannot be said that, by pointing out that interference on the part of others would work hardship on themselves and involve a

[1] Kelleher, op. cit., p. 4.

setback to the just cause of labor, or that by urging these and similar motives to dissuade others from taking the vacated positions, they violate any strict right of the employer.

It may be objected that such action on the part of the strikers violates the employer's natural right to freedom of contract and consequently that justice forbids the use of persuasion to prevent others from working for the employer against whom they happen to be striking. This argument, plausible as it may seem, is not a valid one. In the first place as the term is popularly understood "the rule of free contract is unjust" both because "many labor contracts are not free in any genuine sense" and because "it takes no account of the moral claims or needs . . . which constitute the primary title or claim to material goods." [1] Besides in its genuine and valid sense "freedom of contract" does not mean that no interference at all is permitted, that by legitimate means such as advice, persuasion, just fear, etc., one may not for some good reason, endeavor to induce either party not to enter into an agreement, or that one may

[1] Ryan, Distrib. Just., pp. 330-331, 357, N. Y., 1916.

not diminish the opportunities for entering into that contract. It is hard to see how acts which are licit in themselves can become immoral or unjust merely because they interfere with the exercise of freedom of contract, for that natural right imposes no further obligations on others than that they should refrain from any action which would *unjustly* interfere with the opportunities of others from entering into favorable contract.

In the case of strikes where persuasive methods are used to prevent fellow-workers from continuing work or others from filling the positions vacated, although the employer's freedom of contract may be seriously curtailed, and although it generally is the intention of the strikers that such should be the effect, still "there is no violation of a strict right provided there be nothing unjust in any of the different acts by which the restriction of freedom is brought about." [1]

It might happen in a particular instance, owing to peculiar or exceptional circumstances, that such acts would involve a viola-

[1] Kelleher, op. cit., p. 5; Noldin, Theol. Mor., Vol. II, N. 306 (3), N. Y., 1914.

tion of charity. In such a case the condemnation of the use of persuasion arises from special external relations, and not on the ground of intrinsic morality. To refuse to continue to work, to agree among themselves to do so, and to use their powers of persuasion to induce others to refrain from working, are acts perfectly moral in themselves and perfectly just for the workmen, provided they do not thereby violate any strict right of either the employer or the general public.

The employer can have no such strict right unless the laborers have entered into a valid contract with him. Where such contracts exist the laborers' natural right to stop work when they please is suspended for the time being and as long as the valid contract endures. All just contracts between the employer and employee must be fulfilled. Not only does justice demand this, but the general good of the laboring class is best obtained and safeguarded by the punctual and complete fulfillment of all valid contracts. The general welfare of society also demands that contractual relationship be preserved. As long as such a contract exists and perseveres, the laborers can in no way

be justified in striking. Employers, as well as employees, have a strict right that all just contracts expressed or implied between themselves be scrupulously carried out. No strike can be morally countenanced which violates a just contract that has been freely entered into by both parties and whose terms are carefully carried out by the employer. To declare a strike while such a contract endures is to inflict a manifest injustice on the employer.[1] "For religion teaches the workmen to carry out honestly and well all equitable agreements freely made."[2] So the strike of the printers and longshoremen in New York and of the street railway employees in Chicago during the summer of 1919 were morally indefensible, although their demands may not have been unjust, because such strikes involved the violation of contracts and agreements which "were freely and honestly made" and therefore, "morally binding."[3]

But it may sometimes happen that where a contract exists, the workmen are not

[1] Cf. Vermeersch, Quaest. de Just., n. 474 (a); Pottier, De Just. et Jure, n. 176; Noldin, op. cit., n. 306 (2); Genicot, Theol. Moral., Vol. II, n. 22; Tanquerey, Theol. Moral., Vol. II, n. 844.

[2] Leo XIII, On the Condition of Labor.

[3] Cath. Char. Rev., Editorial, Nov., 1919, p. 263.

morally bound to observe its terms either because it never had any morally binding force on account of some defect or because it has lost its original binding force. The contract between the employer and the laborers may have been invalid from the beginning, either on account of error in the real terms of the contract, or because the agreement contains some clause or clauses that are unjust. An example of this would be when men are morally forced by fear of going without employment to agree to work for a wage or under conditions which are manifestly unjust. Full consent of the will may not have been present because they were drawn by force or fraud or the exigencies of their economic position into a bargain unjust to themselves. "The laborer who, from fear of a worse evil, enters a contract to work for starvation wages cannot be regarded as transferring to the employer the full moral right to the services which he agrees to render. Like a wayfarer he merely submits to superior force. . . . His consent is vitiated to a substantial extent by the element of fear when he is compelled by dire necessity to accept a wage that is insufficient for a decent livelihood. The agree-

ment to which he submits in these circumstances is no more free than the contract by which the helpless wayfarer gives up his purse to escape the pistol of the robber." [1] As necessity compelled them to accept conditions that were manifestly unjust they are not morally bound by the terms of such a contract.

It may happen, too, that a contract which was valid originally becomes invalid and loses its binding force because the employer fails to fulfil his part of the contract. "His failure to carry out the obligations imposed upon him by the agreement relieves the workers from any further obligation in justice as far as the contract is concerned." [2] Even where the employer fulfils all the terms of the contract but fails to treat his men justly in some other particular, e. g., compelling them to work under conditions which are gravely dangerous to health or life, the men may be morally justified in striking,[3] for as Lehmkuhl remarks, "one may refuse service due in justice to another in order to force him to desist from acting

[1] Ryan, Distrib. Just., pp. 329-30.
[2] Garriguet, Regime du Travail, p. 133.
[3] Cf. Vermeersch, op. cit., n. 474 (a).

unjustly towards him." In these cases and where, as stated above, the contract was invalid from the beginning, the laborers "can without violating justice go on strike"[1] in order to enforce their just demands.

According to Fr. Kelleher "it is only rarely that strikes can be said to violate contracts," [2] which are morally binding in justice. Generally there is no such contract existing or where such an agreement has been entered into, it very often is devoid of real moral force begetting an obligation in justice. If, as statistics seem to indicate, a "considerable majority of both male and female laborers fail to obtain living wages" [3] and, according to Nearing and Grant, four-fifths of the workers belong to this class, being compelled by economic necessity to labor at a wage below the minimum of justice, it may be questioned whether the majority of contracts beget any really moral obligation of justice on the part of the laborers. Therefore, it seems quite safe to say

[1] Op. cit., p. 133.
[2] Op. cit., p. 3.
[3] Ryan, Distrib. Just., p. 380; cf. Nearing, Income, p. 106; Grant, Fair Play for the Workers, p. 36; Catholic Bishops' Reconstruction Program.

that many of the wage contracts are devoid of really moral binding force. Yet where such agreement exists between the employer and the laborers it must always be presumed to be valid. It is up to the workmen to show that the contract is clearly unjust or invalid from the beginning, or if valid originally, that the failure of the employer to live up to his part of the contract or subsequent changes made arbitrarily by the employer in the agreement now render it null and void. Against the overwhelming presumption in favor of the binding character of a contract entered into between laborers and an employer, only clear and conclusive evidence to the contrary can relieve the laborers from their obligations. "Both morality and expediency dictate that labor should always regard its contracts, agreements, and engagements as sacredly obligatory." [1] But apart from valid contracts there is nothing in the nature of the case by which the laborer's act of severance of his relations with his employer must necessarily be characterized as immoral or unjust as violating a strict right of the em-

[1] Cath. Char. Rev., Editorial, Nov., 1919, p. 263.

ployer. While it may be true that "they do him an injustice if they leave him without a reasonable cause" [1] it is also certain that the "corresponding right (of the employer) to the services of his employees lasts only as long as he treats them justly." [2] Where his treatment of his laborers involves an injustice, all obligations, whether of charity or justice, which might bind the laborer to continue working for such an employer, are abrogated. So that if he ceases work or strikes to enforce what is due him in justice he does not violate any strict right of his employer.

Nor can it be held that the strikers violate any strict right of the general public or society in their cessation from labor. It may be said that the strikers violate the rights of society because the increased remuneration, which the strikers in a particular strike seek, will have to be paid largely by the general public in their capacity as consumers, or because the dislocation of industry, which every strike more or less occasions, inflicts considerable loss and injury on the public. Only in these two cases could a strike be con-

[1] Ryan, The Church and Socialism, p. 112. Wash., D. C., 1919.
[2] Op. cit.

ceived as violating a strict right of the public.

Now while both of the above contentions may be partly or wholly true it does not follow that the workers are bound in strict justice to refrain from striking solely on that account. In the first place, it does not follow that the increased remuneration which the laborers seek will have to be paid largely by the general public, for "higher wages will often give the workers both the physical capacity and the spirit that makes possible a larger output. Thus they could themselves equivalently provide a part at least of the additional remuneration." [1] Then increased managerial and mechanical efficiency can help considerably, as is seen in the tailoring industry in England, where "the increased costs of production have on the whole been met by better organization and better machinery." [2] This is also shown in the case of the Packard Piano Co., Fort Wayne, Ind., in the William Demuth & Co. pipe factory, New York; Sydney Blumenthal & Co. weaving mills, Shelton, Conn.,

[1] Ryan, Distrib. Just., p. 409.

[2] Tawney, Minimum Rates in the Tailoring Industry, p. 161.

etc.[1] Besides, a part of the increased wage cost could be defrayed out of the enormous profits which at times the capitalist has been allowed to amass, often much to the detriment of society.

Should these sources be unable to provide for the "increased remuneration which the strikers seek," it could happen that the general public would have to be called upon to bear a portion of the burden of providing a just wage for the laborer, as well as to suffer considerable inconvenience as to the result of the strike, yet in either case it is difficult to show that labor is thereby guilty of an injustice to the public. Society or the consumer has on the other hand obligations to the workmen which are all too often disregarded and "consumers who buy an article that was made under unjust conditions cooperate in this injustice . . . by receiving the goods, by furnishing the means for committing the injustice, and by urging such production by financial support; and since the social necessity of getting a living wage is beyond contradiction, the consuming class who benefit especially by the labor of these

[1] Cf. John Leitch, Man to Man, The Story of Industrial Democracy, Chaps. III, IV, V.

workmen are especially bound to see that these rights are obtained." [1] According to Fr. Cuthbert, the consumers "who patronize such labor contribute to the sin," and are at times more responsible for the injustice done the laborers than the employers for "the insatiable yearning to buy cheap without any thought how the cheapness is obtained, this is the incentive which tempts men to buy cheap labor and underpay workmen. Were people in general not willing accomplices there would be no sweating system, no unfair competition. The sin falls not on the few (manufacturers) but on the many (patrons) who too readily condone the sin of the few for the sake of the resultant advantage to themselves. They pay half a penny less for a pound of sugar, a shilling or two less for a ton of coal. What does the public care that the shop assistant or the miner is unable to get a human wage?" [2]

What right, then, has the public to demand that the laborers continue to suffer manifest injustice in order that it be not inconvenienced or that it may not be called upon to bear the burdens that might rightly

[1] Ross, Consumers and Wage Earners, pp. 27, 30. N. Y., 1912.

[2] Catholic Ideals in Social Life, p. 211. N. Y., 1914.

and justly fall to its share? "The public has no right that he (the worker) should labor in order that it should be convenienced, nor that he should forego the use of any of his just powers of securing favorable terms from the capitalist in order that its interests should not suffer. We hear a great deal about the suffering which strikes inflict on the innocent public, but we must remember that the public has no right to demand that the workmen abstain from the acts to which these sufferings are attributed. If these sufferings resulted merely from the spontaneous and simultaneous cessation from work on the part of a large section of workers . . . there should be no shadow of foundation for the charge of injustice against these men. Neither can these sufferings prove injustice when they are due to a course which the men are otherwise perfectly justified in pursuing." [1] The public has no more right than the immediate employers to demand that the laborers work for unjust wages, no more than they have a right to demand that the laborers refrain from striking, if that be necessary, to enforce their claim, provided the demand in itself be a just and

[1] Kelleher, op. cit., pp. 11-12.

reasonable one, and that the means employed in carrying on the strike be moral in themselves.

Here it is presupposed that the demands to be enforced are of such a grave character that the good to be obtained will offset any injuries that the general public may be called upon to endure in consequence of the strike, and that no other less drastic method for the enforcement of the claims is available. The bearing which each of these conditions has on the morality of the strike will be shown further on in the development of the subject.

The third element in the institution of a strike—the enforcing of certain demands—is by its very nature morally indifferent. Whether such demands are moral or not, licit or illicit, will depend on the nature of the demands enforced by any particular strike. They may be morally good or evil, just or unjust. How the character of the demands may affect the morality of a strike we shall now proceed to set forth.

III

THE MORALITY OF THE STRIKE IN ITS RELATION TO THE END OR OBJECT SOUGHT

1. JUST AND UNJUST CAUSES

IN justifying or condemning any particular strike, the object or end aimed at or desired by the strikers must be given primary consideration. For unless the object of the strike be morally good and one to which the laborers have some right in justice, they cannot be justified either in demanding that their claims be granted or in enforcing them by any means whatever, no matter how harmless. The laborers have no right to "all that they can get" if that term is to be taken to mean, as it generally is by the worker, that justice sets no limits to what he may demand or take, provided he can enforce such demands.

The theory advanced by socialists that

"the laborer has a right to the whole product," [1] is not only a "radically incomplete" theory of wage justice, but "it is confronted by the final objection that its realization would involve greater evils and injustices than those it seeks to abolish." [2] Socialists forget that labor is but one of the necessary factors in production. Labor cannot get along without capital any more than capital can dispense with labor. Furthermore, they are bound together not only by mutual needs or interest, but also by mutual obligations. The claim of labor to "all that it can get, and this only limited by what it produces," as set forth in the New York Socialist Call is altogether unjust and such a claim may not be enforced by peaceful, much less by drastic, strike methods. Such a theory, in the minds of the radical workman, means "that there is no limit to what they may demand short, perhaps, of killing the goose that lays the golden eggs, though Socialism would not hesitate at that," [3] and is no more justifiable than the claim of the capitalist to

[1] Wm. Godwin, Enquiry Concerning Political Justice; Wm. Thompson, An Inquiry into the Principles of the Distribution of Wealth Most Conducive to Human Happiness.
[2] Ryan, Distrib. Just., p. 346.
[3] Husslein, The World Problem, p. 112, New York, 1918.

"all that he can get." Disregarding the principles of justice, the modern capitalist, acting on the same principle of seeking and taking all that he can get, has forced wages down to the minimum of expediency or necessity, while at the same time he has forced prices up to the maximum of economic expediency or possibility, and in this way "a small number of very rich men have been able to lay upon the masses a yoke little better than slavery." [1]

The doctrine of "laissez faire" and the "free wage contract" are no longer regarded as possessing the sacredness formerly attributed to them. "There is in progress a very general reaction from this unmoral doctrine and almost all men admit that there is a fair price and an unfair price for labor as well as for other goods that men buy and sell." [2] So, also, as there is a just wage, there are conditions of labor, hours, etc., which are just, and which labor may demand without inflicting an injustice either on the employer or on the general public.

The cause for which men generally strike may be either to obtain better terms of em-

[1] Encycl. On the Condition of Labor.
[2] Ryan, Distrib. Just., p. 102.

ployment as regards wages, length of working days or some other condition of work, to retain present advantages which the employer seeks to curtail, or to obtain recognition of union and union principles. Assuming that the end sought is morally good in itself, the action of the men in striking cannot be justifiable except on the condition that they have, as against either the employers or the consumers a right to the object sought. It is clearly evident that no strike is justifiable that seeks to enforce unjust demands.

Of the justice of the cause of those who strike for a minimum wage there can be no question. "The right of Labor to a living wage with decent maintenance for the present and provisions for the future is generally recognized. The right of Capital to a fair day's work, for a fair wage is equally plain." [1] Such is the teaching voiced by Pope Leo XIII almost thirty years ago. "There is," says the Encyclical, "a dictate of natural justice more imperious than any bargain between man and man, namely that the remuneration should be sufficient to

[1] Pastoral Letter of the Hierarchy of the United States, February, 1920.

maintain the wage earner in reasonable and frugal comfort." [1] The principle of a living wage is expressly embodied in the Church Law, Canon 1524 of the New Code (Codex Juris Canonici), which states that "All persons . . . should, in employing labor, pay the workers a fair and just wage." This duty of the employer of labor is based on the fact that he "has obligations of justice not merely as a receiver of a valuable thing through an onerous contract but as the distributor of the common heritage of nature. His duty is not merely contractual but social. . . . Unless he performs this social and distributive function in accordance with justice he does not adequately discharge his obligation of the Wage Contract." [2]

A strike will always be just *per se* which seeks to raise a wage that is less than this minimum of wage justice up to at least the minimum. This the employer cannot ordinarily refuse without violating justice. In case an employer cannot pay a living wage, his obligation of justice is suspended, while charity would seem to urge that the laborers refrain from enforcing their claims. They

[1] On the Condition of Labor.
[2] Ryan, Distrib. Just., p. 371.

are not bound, however, to continue laboring for such an employer, for "if the industry cannot pay a living wage the workmen will be justified in leaving such an industry to die out." [1]

Fr. Lehmkuhl in discussing the question of the just causes of strikes, distinguishes between what he calls self-defense (notwehr) and self-help (selbsthilfe). "Self-defense," he says, "is always self-help but not vice versa"; the concept of "self-help" is wider. It does not of necessity suppose that strict injustice has been committed by the other party, but extends to the effective maintenance of whatever the workers may demand and strive for, without committing an injustice themselves. "To enable one to decide whether, in a particular case, a strike is justified or not, it is of great importance to know whether it has or has not this character of self-defense. . . . Workers are never bound to continue for a single day to work under unjust conditions, even though these should be part of the contract which in this respect would have no binding force. . . . Should the employers, however, be guilty of no act of injustice against the em-

[1] Lehmkuhl, Arbeitersvertrag und Strike, p. 57.

ployed, the latter must observe the conditions of any just contract they may have entered into until this expires. They may, indeed, ask for more favorable conditions, but they may not enforce the demand. Provided, however, they have given the notice prescribed in the contract, or, at the expiration of the term agreed upon, the workmen can take combined action to enforce a much more extensive claim; they have a right to set a higher value on their labor; and even though these further demands be unwise . . . they cannot on that account alone be accused of strict injustice." [1] While the quotation is, in general, a correct statement of the case, yet the claim that the laborers "have a right to set a higher value on their labor, etc.," necessarily calls for some restrictive qualification. The laborers have a right to set a higher value on their labor and demand such higher wage, provided such demands are not unjust, that is, do not exceed what they may demand in justice. Father Vermeersch's statement would be a more exact presentation of the case when he states that "strikes, which are called for the purpose of enforcing a higher wage, as long as

[1] Arbeitersvertrag und Strike, pp. 55, 56, 59.

it is just, even though it be the 'summum justum' or the maximum just wage, are not to be adjudged on this account unjust." [1] So if the wages are below that which justice requires the employer to pay his workmen, that is, if they are below the minimum of wage justice, which employers may not withhold without committing an injustice, the workers are justified in demanding a higher wage, even though a contract should exist, and in striking to enforce such a demand if this be necessary. Such action will constitute an act of self-defense against real injustice inflicted on them by their employer. But not only may they strike against treatment which constitutes a real injustice, but they may also demand the "summum justum" wage, and if no valid contract exists, they may, without violating strict justice, strike to enforce a wage, even in excess of a living wage, provided such wage demanded be not in excess of the "summum justum" wage. "If, however, the demands of the strikers call for a wage which is beyond the 'summum justum' or for unreasonable conditions of labor, the strike

[1] Quaest. de Just., n. 473, b.

will involve a violation of strict justice." [1]

A demand for a wage in excess of the maximum just price or the highest just wage which one's labor is entitled to, would be to demand more than the commodity of labor was worth and so a strike to enforce such a demand would be unjust. And if through a strike the employer is compelled to grant demands which force him to commit an injustice on the consumer by charging more than the "just price" for the product in order to meet part of any unjust demand, then the laborers are plainly guilty of a double injustice. But "between the 'pretium summum' and the 'pretium infimum' the workman may take any wage he can, even the 'pretium summum' if he can bargain for it. He can refuse to work unless he gets it and can combine with others for the purpose,—in a word, he can strike for it, as far as justice is concerned." [2] Such action might, however, involve a violation of legal justice or of charity.

In order to be able to state definitely when a strike is unjust by reason of excessive demands, it would be necessary to know just

[1] Vermeersch, Quaest. de Just., n. 473.
[2] Marshall, Irish Theol. Quart., Vol. I, p. 445.

what is the "summum justum" wage, conditions of labor, etc., in the various employments. As yet these have not been definitely determined. The perpetual fluctuations of economic conditions make this determination extremely difficult or practically impossible. We may be able to determine within reasonable limits what is the "infimum justum" or the minimum of wage justice, and at times it may be quite evident that a particular wage demand is excessively unjust, but we cannot as yet point out definitely at what particular point injustice begins. We may be sure, however, that it is not "all that he can get" or 100% of the product, as the syndicalists would have it. According to the opinion of Dr. O'Donnell: "Perhaps if we said that the maximum wage meant all the profits remaining when the employer has been paid a full interest on the value of the capital involved and a full remuneration for individual service in the way of management and otherwise, we should be as near the truth as any others that have speculated with the problem. If the test is true it would employ a large margin of difference between the minimum and the maximum wage in the large and settled industries that

transform capitalists into millionaires and a very slight one, if any at all, in the smaller branches, where the risks of capital are great, and the profit meagre and fluctuating." [1] Until we can say what are the wages and what are the conditions of employment which each workman would be unjust in seeking we cannot determine just when strikes would be unjust by reason of the greatness of the demands.

When during the summer of 1919 the dock hands in New York struck for a wage of one dollar an hour, it was thought by many, and this opinion was fostered by the bitter criticism such demands were subjected to by the daily press, that their wage demands were surely unjust. Yet a careful consideration of the case "would make an intelligent moralist reluctant to declare that the laborer who demands and receives a wage of one dollar an hour, is clearly guilty of injustice." [2] Still it would not be correct to state that the strike did not involve a violation of justice. Other factors call for serious consideration before rendering a de-

[1] Maynooth Record, 1911-12, p. 22.
[2] Cath. Char. Rev., Editorial, Oct., 1919, p. 228. Wash., D. C.

cision, such as their violation of contract, and their disregard of the orders of the supreme officers of their union. These factors would seem to justify at least one prominent moralist [1] in condemning the strike as "not morally justifiable."

Although it happens occasionally that strikes are called which involve a violation of justice, still it may safely be stated that the cause for which labor is striking and seeking to secure, viz., the remedying of the evils and injustices of the present social and economic condition, is in general a just one. This contention is admitted by most of the present-day economic and moral writers. "The organized struggle of the laboring classes," says John Graham Brooks in his work, *The Social Unrest,* "assumes that the present competitive wage system does not bring full justice to labor." [2] And he adds that "our society is full of extremely influential persons who say point blank that labor's protest is in the main a righteous one and should prevail." To support his contention he quotes the statements of a large number of "influential persons," beginning

[1] Op. cit., Nov., 1919, p. 228.
[2] P. 154.

with Wagner and ending with Pope Leo XIII.

The great demand that is at the heart of the struggle of honest labor is that justice should prevail in the distribution of the goods of the earth, that the common welfare rather than the welfare of a privileged few should be consulted in this and in all things. Fr. Plater terms this effort to establish the reign of justice in the industrial field "suppressed Catholicism." [1] In his mind "the working class of this country are suffering from suppressed Catholicism. The old pre-Reformation instincts for freedom and security have broken the husk of an un-Christian economic theory and practice." It is a revolt against the selfish spirit of rationalistic capitalism that sprang into being after the Reformation, when the Guild system was replaced by a "system which permitted the accumulation of mountainous fortunes by a few clever and often highly unscrupulous financiers who held in their hands the fate of millions of their fellowmen." [2] It is the spirit of justice, the spirit of "suppressed Catholicism," that is at the

[1] The Priest in Social Action. New York, 1914.
[2] Husslein, The World Problem, p. 4.

heart of the labor movement, "struggling for liberation beneath the crackling, breaking, bursting shell of an unnatural and un-Christian social order." [1] The "general conviction" underlying the great social struggle, "that the present competitive wage system does not bring justice to labor and that labor's protest is in the main a righteous one and should prevail . . . is undoubtedly correct." [2] For the most part this sense of injustice manifests itself in the low rumblings of discontent, the constant shiftlessness manifested in the industrial field—and at times the spirit of justice, which, like the ghost of Banquo, "will not down," rises and asserts itself in the form of a strike. "The strike may foment class hatred on the part of the employers; but primarily it expresses a sense of injustice on the part of the employed, which is present whether the strike breaks out or not." [3] The magnitude of the injustice done to labor, by forcing between two-thirds and three-fourths of the great body of the working public to accept a wage

[1] Op. cit., p. 5.
[2] Ryan, The Church and Socialism, p. 103.
[3] Parkinson, A Primer of Social Science, p. 131. N. Y., 1913.

below the level of minimum justice,[1] becomes somewhat evident when we consider that "shortly before the Great War 4% of the population of England held 90% of all the wealth of the country. In the United States 60% of the wealth was owned by 2% of the people, while at the other extreme of the social scale, 65% of the population, representing the labor element, possessed no more than 5% of the total riches of the land." [2] The constant friction in the industrial world, the angry pressure of organized labor, the revolt of the strike, stand for a protest against the injustice done to the laboring class.[3] According to the Manley report, before the war, between two-thirds and three-fourths of the adult male laborers of the United States received a wage less than $750.00 a year,[4] a sum which certainly could not be considered as an excessive living wage. As the increase in wages in general has not kept pace with the increased cost of living, it is quite safe to say that the position of the laborer in relation to the mini-

[1] Cf. Nearing, Income, p. 106; Grant, Fair Play to the Workers, p. 36.
[2] Husslein, The World Problem, p. 4.
[3] Cf. Brooks, Social Unrest, p. 154.
[4] Cf. Ryan, Distrib. Just., p. 379.

mum wage or minimum cost of living, has not materially improved. So it is hardly an exaggeration to say that at the present day "a considerable majority of both male and female laborers fail to obtain living wages. We are still very far from having actualized even the minimum of wage justice." [1]

In view of these facts we may reasonably conclude that the "considerable majority" of the workers of the United States would certainly be justified in striking for a salary which would be equivalent to the concrete estimate of the ethical minimum as computed by reputable economists. Of the justice of such a cause there can be no question. Nor are the laborers limited to the minimum, although it is up to the minimum that the action of the strikers may be considered as an act of self-defense against the injustice of their employers. But besides this they may lawfully demand, and strike for a wage up to the maximum value of their labor, at least as far as the strict justice of the case is concerned, although their action might be contrary to legal justice or to charity in a particular case.

A question of considerable importance in

[1] Ryan, op. cit., p. 380.

determining the morality of a strike to enforce a claim for an increase of wage is whether or not the minimum or living wage means a family wage. For if the minimum wage means a family wage, then the workers without violating justice can, even where a contract exists, strike for the enforcement of such a wage. On the other hand, if the living wage means only an individual wage, the content of such a wage being much less, to strike for a family wage, where a contract exists to work for a lesser wage, if above the minimum, would constitute a violation of natural justice and render the strike unjust. The more general opinion of theologians and economists is that, "the claim to a family wage is one of strict justice, while the minority would put it under the head of legal justice or natural equity or charity. The differences between their views are not so important as the agreements, for all Catholic writers maintain that the worker's claim is strictly moral in its nature and the corresponding obligation upon the employer is likewise moral." [1]

The statement of Cathrein would seem to

[1] Ryan, Distrib. Just., pp. 377-78. Cf. Ryan, A Living Wage, Chap. VI.

make the payment of a family wage not a matter of strict justice. "To effect any discrimination," he writes, "in favor of unmarried men, which might arise were the living wage due to them less than that which married men should receive, an amount equivalent to a family wage is considered the minimum for all adult males." [1] While it is clear that there can be no question of the moral obligation of the employer to pay a family living wage, and while it matters little on what virtue or species of justice such obligation is based as far as the employer's duty is concerned, still it is of considerable consequence when viewed in relation to strikes and the possible violation of contracts. However, as most moralists are agreed that a living wage means a family wage, laborers may, without a violation of justice, strike for such a wage even where a contract to work for a lower wage exists. On the other hand, as some authorities are of the other opinion, we cannot say with certainty that an employer, who fails to pay a family wage, yet pays to all his employees an individual living wage, is guilty of a violation of commutative justice.

[1] Phil. Moral., n. 413.

To the further question, just what is the money equivalent of such a living wage, it is not easy to give an exact answer. It must necessarily fluctuate with the changes in the cost of living. While in 1906 "anything less than $600.00 per year would not be considered a living wage in any of the cities of the United States" [1] and about $840.00 was necessary, according to the Bureau of Standards, for a family of five in New York in 1915, such estimates are certainly far from constituting a living wage at the present day when "the cost of living has increased 83.1% during the past six years." [2] With the present very unsettled state of the markets, it is very nearly impossible to give anything like an accurate estimate. The divergence of the estimates given by authorities clearly shows this. According to the United States Bureau of Labor Statistics, "a family of five needs $2,288.25" according to prices prevalent in October, 1919, "to live in decent comfort in Washington, D. C." [3] This "budget level adopted," the *Review* adds, "is in no way intended as an ideal budget. It was

[1] Ryan, A Living Wage, p. 150.
[2] Monthly Labor Review, U. S. Dept. of Labor, Jan., 1920, p. 98.
[3] Ibid., Dec., 1919, p. 23.

intended to establish a bottom level of health and decency, below which a family cannot go without danger of physical health and moral deterioration." In 1918 Professor William F. Ogburn, Examiner for the National War Labor Board, estimated the minimum cost of decent subsistence for this country as $1,386.00.[1] Making the necessary allowance for the increase in cost of living since that date would bring this estimate up to about $1,550.00 or $1,600.00 for the beginning of the present year. According to Dr. Ryan, "the minimum cost of decent living for a man and wife and three children in the United States today (October, 1919) varies from $1,400.00 to $1,500.00." [2]

This last figure is considerably lower than the estimate of most economists. According to the findings of the investigations conducted by the Bureau of Municipal Research of Philadelphia, a family of five "cannot maintain a fair standard of living at current prices (autumn, 1918) on less than $1,636.79 a year." [3]

[1] Memorandum printed for the use of the National War Labor Board, p. 13.
[2] A Living Wage, p. 107, 1920 Edition.
[3] Beyer, Davis, and Thwing, Workingmen's Standard in Philadelphia, p. 5.

The National War Labor Board in June, 1918, estimated that the cost of a "minimum of comfort" budget for a family of five in the five larger eastern cities was $1,760.00 per year.[1] Allowing for the increase in cost of living since 1918 would bring both of these figures up to the vicinity of $1,900.00 and $2,000.00 at the beginning of 1920.

Professor Ogburn of the University of Columbia, "who was requested by the United Mine Workers of America to prepare an annual budget of expense for the average American family of five persons, shows that the average family required $2,243.94 a year for support on an American standard of reasonable health and comfort." [2]

The minimum cost of a living budget for a family of five given by the Canadian Civil Service Report, a "budget based on a study of prices made by the departments of Labor of Canada and the United States, and by the United States Shipping Board, the New York Factory Investigating Commission, the New York Bureau of Standards, the Massachusetts and Minnesota Minimum

[1] Cf. op. cit., p. 7.

[2] Bittner, Van. H., Miners' Union Statistician's statement before the President's Cost Commission, Wash. Star, Jan. 29, 1920.

Wage Commission and other bodies," places "the necessary annual expenditures for a man and wife and three children at $1,558.00." [1] As the average cost of living in Canada is somewhat less than in this country, it seems to be quite safe to say that a general estimate of $1,600.00 as the minimum family wage is quite conservative for at least the great majority of cities in the United States.

a. Working Conditions

Another frequent cause of industrial conflicts has been the question of working conditions. Laborers have demanded, and rightly so, that they not only be given an adequate wage, but that they be not forced to earn that wage under conditions which might imperil their health, life, or morals. Whether such demands are just will depend upon the reasonableness of improvements demanded. There is no definite standard available to determine precisely at what point such demands would be unreasonable. One thing would seem certain—workers may, in some employments, still demand

[1] The Canadian Labor Gazette, August, 1919, p. 862.

further improvements in the conditions of labor without violating justice. Adequate protection against moral evils as well as against accidents and disease may always be demanded where they are not enforced by law. Both justice and charity require that employers concede this much at least. This phase of the industrial question of late years has received more attention that any other on the part of the state legislators, with the result that many protective laws have been enacted safeguarding the health and lives of the workers. This fortunately lessens the necessity of resorting to strikes to enforce reasonable working conditions, and in time, the need of resorting to these measures in this regard will no longer be felt.

b. Hours of Labor

A demand for reasonable hours of labor may form a just cause for a strike. "Daily labor," says Pope Leo XIII, "must be so regulated that it may not be protracted during longer hours than the strength admits. How many and how long the intervals of rest should be, will depend upon the nature of the work, on the circumstances of time

and place, and on the health and strength of the workmen. Those who labor in mines and quarries should have shorter hours in proportion as their labor is more severe and trying to their health." [1]

What precisely constitutes a reasonable length of hours for a working day? As the Encyclical points out, that will depend on several factors connected with the particular types of labor. "Eight hours would seem to be a fair average for most occupations, and sentiment in this country is crystallizing around that amount." [2] The statement of Fr. Noldin that "an eight-hour day cannot be denied by the employer without injustice" [3] would seem to demand some limitations. While the contention that eight hours is the maximum that employers can require in justice at indoor, irksome work of regular demand, would seem reasonable,[4] still it would be very difficult to prove that, for labor of less disagreeable type, a somewhat longer daily period would be unquestionably excessive and unjust.

[1] On the Condition of Labor.
[2] J. E. Ross, C. S. P. Christian Ethics, p. 346. New York, 1919. Cf. Florence Kelly, Some Ethical Gains Through Legislation.
[3] Theol. Mor., Vol. II, n. 307-2b.
[4] Cf. Nearing, Social Adjustment, pp. 181, seq.

Would a demand for a shorter hour day be an unjust demand? The demand for a six-hour day is no longer merely a theoretical problem. At the annual convention of Labor held in Atlantic City in the summer of 1919 the question of adopting a six-hour day was considered seriously by the majority of the delegates. One of the demands of the bituminous coal miners' strike was "a six-hour day and a five-day week." A similar demand "was formulated by the anthracite miners at their annual convention at Wilkes-Barre in August, 1919, and ratified by the national convention of the United Mine Workers of America in Cleveland in September." This demand, with others relating to wages, "will be presented to the anthracite coal operators on March 9, 1920, by the union representatives of the hard coal diggers." [1]

Without attempting to decide definitely as to the justice or injustice of such a demand, it may be stated that a general demand for a six-hour day throughout the industrial field would seem to be altogether unreasonable, for "it would seem that the

[1] Washington Post, March 1, 1920, p. 1, col. 6.

eight-hour day is not too long from the viewpoint of health and morals." [1] On the other hand if such a curtailing of the hours of labor were effected in any very considerable portion of the industrial field "the diminished production resulting therefrom would cause more hardships to the weaker sections of the laboring population than any other class in the community. The products of all the short-day and short-week industries would rise considerably in price, thereby injuring all persons who were too weak economically to obtain an increase in remuneration." [2]

It is possible, however, that peculiar conditions of labor, excessive hardship, or the disagreeable or hazardous character of certain employments, might justify a considerable reduction in the length of the working day, so that in a particular employment even a demand for a six-hour day would be just. Whether such a demand would be justified in the case of the anthracite and bituminous coal miners, in view of the present uncertainty as to what constitutes an unjust demand in the less arduous and hazardous

[1] Editorial Cath. Char. Rev., Oct., 1919, p. 230.
[2] Op. cit., p. 263.

employments, cannot be definitely stated. One thing is certain, however, as pointed out above by Pope Leo XIII: "Those who labor in mines and quarries should have shorter hours in proportion as their labor is more severe and trying to health." Now if a demand for an eight-hour day is a reasonable one for factories, workshops, etc., as most moralists and economists who treat of this question state, then it can hardly be said that the coal miners who demand a considerably shorter work-day are unreasonable. However, outside of these exceptional cases, it would seem that any considerable reduction beyond the eight-hour day would be unreasonable as it would be likely to reduce the volume of production in the various industries to a really harmful extent. At present, what is needed is greater production, consequently, until our productive resources and means of production have been quite considerably increased, any reduction of the eight-hour day would seem to work an unreasonable hardship upon the masses of the people, and so ordinarily such a claim could not constitute alone a just cause for a strike.

c. Union Recognition

Of late years there has been a growing demand for union recognition and many strikes have been called to enforce this demand. Whether the claim for recognition of a particular union or union principles will constitute a just cause for a strike or not will depend on the character of the union and the nature of the principles advocated, as well as the relation of such principles to the other causes which may legitimately be enforced by the laborers. Unions are only means to an end. If the aim of a particular union such as the Industrial Workers of the World [1] is morally unjustifiable, then no strike may be justly called which has as its chief aim the recognition of such a union. But with the exception of a few such unions, "the chief aim of the unions is morally justified." [2] So it may be stated that, in general, the demand for union recognition is a just one, being one which is vitally connected with the welfare of the working class,

[1] Cf. P. F. Bressenden, The I. W. W., A Study of American Syndicalism.

[2] Cf. Cath. Ency., Vol. VIII, Art. Moral Aspects of Labor Unions, p. 724.

for "it is only as a large united organization that the workers can secure their demands as to hours of labor, etc." [1] In his Encyclical, Pope Leo XIII recommends the "Workingmen's Unions" as an instrument to "safeguard the interests of the wage-earners" and in this endorsement he necessarily includes its vital principles—the right to bargain collectively, for, as John Mitchell points out, "the fundamental reason for the existence of the trade union is that by it and through it workmen may be enabled to deal collectively with their employers." [2]

The recognition of labor unions and the principles of collective bargaining furnishes, therefore, a cause which may justly be advocated by the laborers. In order that labor may realize its just aims "the labor union is not only justified but indispensable." [3] Laborers may, therefore, lawfully demand that their employer recognize these principles, for it may happen that the enforcement of the more vital principles of unionism such as "collective bargaining," etc., is the only means by which the workmen can

[1] Cathrein, Moral Phil., Vol. II, p. 628.
[2] Organized Labor, p. 4.
[3] Ryan, The Church and Socialism, p. 103.

safeguard themselves against grave injustice on the part of the employer. So intimate a connection has the recognition of the main principles of unionism to the welfare of both the laboring classes and the general public that, according to Fr. Pesch, "the hope of industry for peace rests in the collective bargaining between the entrepreneur and the worker." [1]

But even though labor's struggle is in the main a righteous one, it does not follow that each and every particular end advocated by labor and enforced by strikes has always been just. The intermingling of false principles and false philosophies with the principles and philosophy of Christianity, which stands for the observance of law and order and the meting out of justice to all, has at times led the workingmen astray from the true course along which justice and the common welfare of society alone are to be found. The revolt of radical socialists against all constituted authority as well as the agitation for the violent abolition of the institution of private ownership of property, are evidences of this. The Soviets would "discard the parliamentary processes established by our

[1] Stimmen aus Maria Laach, 1907, Vol. 72, p. 130.

government" and adopt the general strike as a means "for overthrowing the Government of the United States." "Strikes are to be broadened and deepened, making them general and militant, and efforts made to develop their revolutionary implications. The strike is to be used not simply as a means to secure redress for economic wrongs but as a means through which the Government may be conquered and destroyed." [1]

As it is a general principle that no strike is licit unless it be for the attainment of a grave and just cause, such strikes merit our unqualified condemnation, for a cause could hardly be more unjust, both *in se* and in the extension of the injustice which would be committed. Such causes are in direct opposition to legal, as well as to commutative justice.

Authority is essential both for individual welfare and for the common good. Man has a personal end in existence, but his nature is so constituted that he must work out that end as a member of society. For the full exercise and development of his faculties and for the complete attainment of his

[1] The Communist Manifesto, p. 10, quoted by the Washington Post, Jan. 25, 1920.

natural aspirations, society is essential. But "without authority there can be no society, for society means the harmonizing of manifold interests, the direction of many individual efforts away from purely personal ends and a constant life of 'give and take' for the common good. Now, as we know it, human nature is more prone to take than to give, more prone to ignore than to respect the rights of others when personal aggrandizement is sought. Hence, the need of an external power calls authority to control the selfishness of the individual, to compel him to submit to restraint." [1] Therefore, to aim at the destruction of authority through a strike is to make a vital thrust at the best interests of the community, and so merits unconditional condemnation.

Nor can the abolition of the institution of private property be considered as a just cause for a strike. In the Encyclical of Pope Leo XIII, we are told that these proposals of the socialists are "manifestly against justice," that the right of private property in land is "granted to man by nature," that it is derived "from nature, not

[1] Cathrein, Phil. Moral., n. 428; cf. Kelleher, Private Ownership, p. 65. New York, 1911.

from man, and the State has the right to control its use in the interest of the public good alone, but by no means to abolish it altogether." What the State may not undertake, not even by peaceful means, it goes without saying that no private association such as a body of laborers, no matter how numerous they may be, can be justified in attempting to accomplish by the revolutionary methods of a general strike. The overthrow of an institution which "under present conditions is necessary for individual and social welfare" certainly can not furnish a just cause for a strike. To undertake a strike for the purpose of destroying any individual right to private property, as it would involve a violation of commutative justice, must be condemned as unlawful under any circumstances.

2. PROPORTIONATE CAUSE

BUT every just cause or right to which the workers may lay claim will not on that account alone be a cause justifying a strike. There must in every case be some proportion between the end sought and the evils which are likely to

result directly or indirectly from the strike. As the "paralyzing of labor not only affects the masters and their workpeople alike, but it is extremely injurious to trade and the general interests of the public, and, moreover, on such occasions violence and disorder are generally not very far distant and thus frequently it happens that the public peace is imperiled," [1] so the cause of the strike must not only be reasonable, that is, just, but it must also be of sufficient gravity to justify so great disturbance in the economic and social relations. If the evils are sure to outweigh the good effects to be obtained, the strike can under no consideration be justified. On this score the Boston police strike of 1919 must surely be condemned, no matter how just their claims may have been. In fact, "it may safely be asserted that no grievances are ever so great as to render morally lawful the strike of the city's police force in the United States." [2]

Strikes are a "plague to society" and not unfrequently fail in the attainment of the object sought. Reason, therefore, demands

[1] Leo XIII, On the Condition of Labor, 1891.
[2] Catholic Charities Review, Editorial, November, 1919, p. 264.

that they be not entered on for a trivial though just cause. To enter upon a strike for "slight reasons will certainly offend against legal justice as well as against charity." [1] The strike is bound to affect gravely the business of the employer, who by the action of the men is made to suffer "considerable loss and in many cases irreparable loss. Machines lie idle, expenses accumulate without corresponding returns, the normal relations with other firms are interrupted, contracts fail to be fulfilled; customers go away perhaps permanently and the stability of the firm is generally shaken. The bad effects are often perceptible even many years after the strike has been brought to an end. . . . Then there are equally if not more grave consequences on the side of the employee, of his family and the public at large. Some of these evils are physical and mental (hunger, poverty, misery of mind), some are moral. The latter are practically inseparable from the strike. A strike brings into exercise the most violent and terrible of human passions. Directly it involves a violation of charity. Incidentally

[1] Vermeersch, Quaest. de Just., 475; cf. Cronin, The Science of Ethics, Vol. II, p. 263.

yet almost invariably it involves drunkenness, irreligion, loss of self-respect both on the part of women and men, particularly the former. In times of strikes reason seems to lose its sway over the most normal minds and the best and most circumspect of persons tend to become lowered and demoralized." [1]

Now it would be an exaggeration to say that all the evils described above are to be found connected with every strike. It would, moreover, be untrue to state that the reports generally found in the daily press present an accurate account of the actual conditions attending strikes, for "concerning the prevalence of the former practice (violence) there is a great deal of exaggeration in the public press and especially in the statements of some of the employers." [2] According to John Mitchell, the amount of violence in strikes is infinitesimal when compared with that which attends the ordinary course of life. "During the five months of the anthracite strike eight men were killed, three or four of these deaths being caused by men on strike or claiming to be in sympathy

[1] Cronin, op. cit., pp. 356-362.
[2] Ryan, The Church and Socialism, p. 106.

with the union; while if the mines had been operated during this period and had maintained the average number of accidents, two hundred men would have been killed and six hundred seriously maimed or injured." [1]

Even after making due allowance for exaggerations and deliberate misrepresentations of the amount of violence found connected with strikes, still the evils of which the strike is either the occasion or the cause are sufficiently grave to call for serious consideration, threatening, as they do at times, not only the prosperity but the very existence of industry, while at the same time inflicting grave injuries on individual and social welfare.

It might be argued that, whatever might be the justification of the strike in the abstract, in view of these evils which are all too frequently the accompaniment of strikes, they must in general be considered immoral. Now while it is true that there are many and grave evils to be found connected with most, if not all, strikes, we must remember that, "the incidental abuses for which the directors of the strike are not responsible" and which are frequently of very

[1] Organized Labor, p. 322.

grave character, "cannot affect the justice of the strike. Responsibility for them rests upon their instigators. As to those evils which are directly caused by the strike they are not of such a nature as cannot be permitted for the higher good aimed at in these industrial battles," [1] for in this as in other cases "it is always permitted to place a good or indifferent cause from which a two-fold effect follows, provided that the end of the agent be just, that there be a sufficiently grave reason, and that the good effect flow no less immediately from the action than the bad." [2] Besides we must not forget that many of "these abuses and anti-social consequences are not essential to strikes" [3] and that after all, the acute hardships attendant upon strikes are but temporary, and the loss to trade and commerce ceases to be very noticeable when things have got time to adjust themselves. On the other hand, a successful strike may have the effect of lifting a large class of the community permanently above the marginal line of destitution. As a matter of fact, as economists tes-

[1] Lehmkuhl, Arbeitersvertrag und Strike, Die Sociale Frage, 1895, p. 55.
[2] Genicot, Theol. Moral., Vol. I, p. 23.
[3] Kelleher, op. cit., p. 16.

tify, "it is certain that the frequent exercise of the strike has resulted in raising the standard of many people." [1] Neither is there any doubt but that it has conferred considerable moral benefits on the community in removing gravely unjust conditions and immoral surroundings.

Furthermore, in instituting a comparison between the good to be secured and the evils attendant upon a strike we must not lose sight of the very grave evils that the laborers, who themselves form a portion of society, are called upon to suffer by being denied the right to a just wage or by being forced to labor under conditions gravely injurious to physical, intellectual, and moral life. These workmen should count man for man as much as that of any other section of the community. Besides, we must not neglect the fact that society is bound as a whole to suffer injury also from any grave injustice inflicted on any section of the laboring class. The festering sore of squalid poverty caused by the inhuman treatment to which many employees are subjected breeds enormous demoralization in the general social body. A strike which would attempt to

[1] Nearing and Watson, Economics, p. 394.

ameliorate such conditions by securing just treatment for the oppressed workers, like the knife of the surgeon removing the ulcerous growth, is bound to inflict considerable, it may be intense, suffering, yet who would bid the surgeon stay his stroke did he realize that in such action alone lay hope of relief?

Yet, as major surgical operations are resorted to only in case of very serious malady, so also a strike, being a drastic remedy, can only be resorted to where the grievance under which the laborers suffer is a correspondingly grave one. It is a well established principle of ethics "that so many and such great evils" as a strike occasions "can only be permitted for some very grave and proportionate reason." [1] Applying this principle, Fr. Marshall would hold, in view of the many evils that follow strikes from one cause or another, that "if the laborer is getting a fair wage, it would not be lawful to enforce a higher wage by a strike." [2] It would seem that such a general conclusion could hardly be warranted

[1] Tanquerey, Theologia Moralis, Vol. III, p. 378.
[2] "The Ethical Aspects of Boycotting," Irish Theological Quart., Col. 1, p. 445.

unless Fr. Marshall has in mind, which is not likely, when he speaks of a "fair wage" one which approaches very near to the maximum just wage. As a matter of fact such a simple situation as contemplated would seldom if ever arise. The cause for which strikes are called, generally, if not always, involves a complication of causes. And while it would be unreasonable were strikes indulged in frequently for the absolutely highest wage that could in justice be demanded in connection with any particular labor, still it is possible to conceive an instance where conditions are such and the chances of success so certain that a strike, conducted by a well organized body of laborers, "might be lawful even though the wage demanded lies somewhat above the lowest limit and even in the region of the highest." [1]

Some economists have questioned on a different ground the wisdom of "strikes, for increases beyond what is normal in a given industry, provided the normal itself be a just maximum." [2] In their opinion such strikes, even though successful, "are of

[1] Cronin, op. cit., p. 362.

[2] Cf. Crosby, When to Strike and How to Strike, Chap. VIII; Portenar, Organized Labor, p. 86.

doubtful benefit either to the strikers themselves or to the masses of laborers in general" as in the long run the purchasing power of wages will become no greater, if not less, than before, because of the transference of the increased cost of wages to the cost of the article produced and all dependent goods. This contention is hardly borne out by an examination of the facts of the case. According to Sydney Webb, who has made quite a thorough study of the case, "such strikes are by no means useless, but they do in reality raise not only the money value but also the real value of wages." [1]

It should be borne in mind that "a seemingly insignificant wrong may assume real importance as being the thin edge of a wage" [2] which, if allowed to penetrate unchecked, may cause very grave injustice to the laborers and so would constitute a truly serious cause for strike action. For as an incident, trifling in itself, may involve a principle important enough to justify the State in unchaining the horrors of war, so an incident in the industrial world, such as an

[1] Journal of Political Economy, Feb., 1913, "Minimum Wage."

[2] McDonald, The Ethical Aspects of Boycotting, Irish Theol. Quart., Vol. 1, p. 337.

unjust dismissal, trifling in itself though it may seem to many, may involve a principle vital to the welfare of labor, such as the right to organize or the right to bargain collectively, which might constitute a sufficiently grave cause to justify recourse to the supreme arbitrament of a strike.

3. WELL-FOUNDED HOPE OF SUCCESSFUL ISSUE

THE end sought by the strikers is the successful furtherance of the cause espoused. Should their claim be just and one commensurate with the evils involved, it does not necessarily follow that the laborers would, on that account, be justified in letting loose the evils of industrial strife; for unless the strike is a successful one the second state of the laborers will surely be worse than the first. Besides the loss of wages they will have to bear the additional burdens of the strike itself without being in any way compensated for the losses and hardships suffered. Besides, there will be fostered a chronic spirit of discontent and ill-will between the laborers and the employer under whose hand they are forced to

bear with continued injustice. Violent and lawless outbreaks are more liable to occur where there is little hope of success, the men being goaded on to commit acts of violence by the thought of the continued injustice which they will be forced to suffer should their strike prove a failure. Such a strike is likely to involve very great anxiety and suffering to innocent women and children, while society itself is bound to suffer very grave disturbance and injury without being compensated in any way. Now just as a declaration of war, owing to the fearful calamities and sufferings which it is certain to entail, is unlawful whenever there is not a reasonable prospect of success, even though the cause be just, so any body of "laborers who without a well founded hope of success expose themselves, their families, and the general public to the certain suffering and inconveniences of a strike, are acting unlawfully." [1] When industrial wars are frequent, especially if they are lightly entered upon with little thought of the possibilities of success, each new strike tends to increase greatly the chronic disorder of the social body.

[1] McKenna, The Church and Labor, p. 92.

It may happen that, although the laborers have a very grave cause which is at the same time unquestionably just, still, owing to certain circumstances, a strike undertaken to remedy such injustice is certain to fail. Should the laborers in such a case still persist in calling a strike when prudence and sane reason would dictate "The bearing of present wrongs rather than flying to ills they know not of," their action would be clearly unwarranted. The conclusion is certain, then, that "a strike will offend against legal justice—be unjust—where there is no reasonable possibility of carrying it to a successful issue." [1] But it does not follow that a strike must be classed as unsuccessful on every occasion when the laborers are compelled to return to work without having their demands granted at that time. A strike, although apparently unsuccessful, may have the effect of compelling the employer to remedy the injustice, although not immediately. So if the workmen are made to suffer grave injustice, even though there be no hope of immediate success, they may strike provided there

[1] Vermeersch, op. cit., p. 475; Genicot, op. cit., Vol. II, p. 224.

is good reason for believing that they will benefit at a later date. Such is the opinion of Genicot [1] who also states that such conditions will not be infrequent, since the fear of strikes does much towards remedying abuses and improving the conditions of labor. As frequently it will not be very easy to judge with any degree of accuracy the possible outcome of strikes, such a conclusion would seem reasonable, provided, however, in these cases, that the cause for such strikes be grave in proportion to the additional risks taken.

[1] Moral. Theol., n. 22.

IV

THE MORALITY OF THE STRIKE IN RELATION TO THE MEANS EMPLOYED TO ENFORCE THE DEMANDS

1. LESS DRASTIC MEANS UNSUCCESSFUL

EVEN though the end or cause of the laborers be just in itself and of a sufficiently grave character to offset the many evils that flow directly or indirectly from a strike, it does not follow that therefore the strike is necessarily just. The justice of a cause may become vitiated through the use of immoral means used in its promotion. So in enforcing the just claims of the laborers no immoral means may be employed. The means or methods used in promoting a strike must not only involve no injustice but they must be reasonable as well. A strike is a drastic method of settling an industrial dispute, and like

all drastic remedies, can only be resorted to when peaceful or other less objectionable methods of securing justice have failed. The strike methods of settling the differences between the employer and the employees may only be resorted to as a last recourse. All moralists [1] lay this down as one of the conditions necessary to be realized that the strike may be justified: "strikes, like wars and injurious acts of self-defence, are not to be accounted lawful because they are not unjust in end or manner, but it is also required that there appear no other way of obtaining a sufficiently grave good but by the strike or lockout." [2] If it is possible through peaceful methods of "bargaining," arbitration, etc., to obtain the desired end, or if there is reasonable hope that a successful issue may be had by resorting to these means, then to resort to a strike "where less drastic measures will suffice will certainly offend against legal justice" [3] and generally will involve a violation of charity.

[1] Tanquerey, Theol. Moral., Vol. III, n. 486; Genicot, Theol. Moral., n. 22; Noldin, Theol. Moral., n. 307; Ryan, The Church and Socialism, p. 106; Kelleher, Irish Theol. Quart., Vol. VII, p. 15; McKenna, The Church and Labor, p. 93.

[2] Vermeersch, Quaest. de Just., n. 472.

[3] Vermeersch, op. cit., n. 475.

So in the industrial war between the United States Steel Corporation and its employees during 1919 "both parties to the dispute acted unreasonably" for while the employees had a just and grave grievance against the Corporation, still "the union leaders should never have called the strike. They ought to have acceded to the request of President Wilson to withhold such action until the assembling of the Industrial Conference of October," [1] when the differences might have been settled without resorting to industrial warfare. Even though many of their aims were legitimate, particularly their demand for the recognition of "collective bargaining," as the union leaders failed to wait until they had exhausted all peaceful methods of redress, their action must be condemned. On the other hand "the position of the officials of the Steel Corporation was indefensible because it included a refusal to treat with the representatives of the union or of any other labor union." [2]

While, generally, notice of the intended strike should be given to the employer, to

[1] The Catholic Charities Review, Editorial, December, 1919, p. 292.
[2] Op. cit., p. 292.

require that the laborers always fulfil such condition would at times seem to work unreasonable hardship on the employees who are already subjected to injustice. Such a warning is usually equitable and demanded by charity in order to prevent needless loss and injury to the employer, particularly where the employer is guilty of no real injustice towards the workers. Still the rule cannot be made absolutely general or binding on the employees. Delay necessary for such previous notice might at times work grave hardships on the employees, while, on the other hand, swift action may under particular circumstances prove the only way of vindicating a just claim. On the supposition that the employer is committing an injustice in not according the demands, he cannot claim a consideration he is not himself showing. "If the employer is acting unjustly and cannot be brought to observe his just obligations by peaceful methods of negotiations, etc., his employees may be justified in striking without further warning." [1]

On the supposition that there exists a sufficiently grave cause and that the only hope of remedying the injustice of the employer

[1] McKenna, op. cit., p. 93.

in refusing to grant the demands of the workers is in a strike, then resort may be had to such measures which will be morally defensible provided the means used by the strikers for the enforcement of their claim be not evil, nor constitute the violation of any just right of others.

A man can never be morally justified in violating the strict right of another. To seek to further a cause, no matter how just, by unjust or immoral means is never permissible, and the employment of such means would be to submit the whole process to condemnation as immoral. It can sometimes happen that a strike otherwise just may be rendered unjust through the employment of means or methods on the part of the strikers which violate the sacred rights of some other party. Such would be the case if the strikers endeavored to force their claims by means of fraud or by the unjust injury or destruction of the life or property of the employer[1] and where, as sometimes happens, these methods "play a considerable part, strikes must be admitted to be unjust to the extent to which these unjust means

[1] Cf. Vermeersch, op. cit., n. 474; Genicot, op. cit., p. 24.

are employed." [1] The fact that the employer has been guilty of injustice toward the employees does not alter the case. Immoral means can no more be used in resisting injustice than in promoting any other good cause where no injustice is involved.[2] A good end never justifies the use of unjust means. "Religion teaches the laboring man and the artisan . . . never to injure the property nor to outrage the person of an employer, never to resort to violence in defending their own cause nor to engage in riot and disorder." [3]

Nor is there any suspension of the civic obligations of those connected with the prosecution of the industrial war. "It must be borne in mind (what seems to be forgotten by the actors on both sides of such controversies) that the controversy is not warfare in the sense that, for the time being, the usual rules of conduct are changed as in the case of an actual war between two countries. There is . . . no change in the ordinary rules of society but these remain the same as before, commanding what was thereto-

[1] Kelleher, op. cit., p. 5.
[2] Cf. Tanquerey, op. cit., Vol. III, n. 847.
[3] Leo XIII, On the Condition of Labor.

fore right and prohibiting what was theretofore wrong." [1] The laws of the State and the obligations of justice bind to the same extent morally as they did previous to the strike. If, as sometimes happens, the employer should resort to illegal or immoral means to uphold his position, that will in no way justify the strikers in retaliating by the use of physical force, violence or other immoral means, not even to mete out the punishment he may clearly deserve. "Private authority,"—and strikes must be classed under that head no matter how many or numerous the men in a given strike may be,—"may not take the law in its own hands to mete out justice except it be the only defense at hand against an unjust aggressor." [2] This is demanded in the interests of the general welfare of society.

2. PEACEFUL PICKETING

The means which may be lawfully utilized in the conduct of a strike may be classed under two heads: first, the cessation from work on the part of the employees; and sec-

[1] Groat, American Courts in Labor Cases, "Wilcutt vs. Bricklayer Unions," p. 72.
[2] Pottier, De Jure et Justitia, n. 179, Liege, 1900.

ondly, the exercise of a certain degree of economic and moral compulsion bearing not only on the employer but also on other laborers to prevent them from taking the places vacated by the strikers. We have already seen that under certain conditions, which we assume are complied with, the first of these is lawful. It now remains for us to consider the second or the exercise of force to compel the granting of the lawful demands by the strikers, and under this head we shall have to consider, what is the crucial problem in the conduct of strikes—the matter of picketing, or the attempt on the part of the workers to turn away those who may wish to continue working as well as those who attempt to fill the places vacated by the strikers. It is of extreme importance for the success of the strike that the employer be prevented from carrying on his business in a normal way. It is in accomplishing this that antagonistic forces are most likely to clash and that outbursts of violence have most frequently occurred.

It is frequently stated by people not in sympathy with the strikers as an unquestionable fact that "whatever right the men may have to refuse to work themselves they

surely have no right to prevent others from working." We have seen above that the use of persuasion does not necessarily involve the violation of any right either of the employer, or the general public, or of other laborers.

If the strike be itself a just one, theologians allow what is called "peaceful picketing" to dissuade others from taking their places, for "pressure even in combination brought to bear on one person to the detriment of another is not necessarily unfair or unjust provided there is a reasonable cause for applying it." [1] But it is never permitted to injure the employer or his property in the prosecution of a strike. So also the strikers are not permitted to attempt by fraud, lying, violence, or physical force either to compel those who may decide to continue working to join them in the strike, or to prevent others from taking the positions vacated.[2] Such action would "involve a twofold violation of justice, a violation of the rights of the employer as well as of the other workers." [3]

[1] McDonald, Irish Theol. Quart., Vol. I, p. 340.
[2] Cf. Tanquerey, op. cit., n. 847; Vermeersch, op. cit., n. 474 (b).
[3] Noldin, op. cit., n. 306 (3).

But although the strikers have no right to use unjust means to prevent others from taking the places vacated, still there is no valid reason which one can urge to show why they should not be permitted to use every means that is not positively unjust to force the employer to accede to their reasonable demands. Were the strikers not morally justified in endeavoring to persuade others from continuing work or from taking the places vacated, the strikers would often have no means of vindicating their rights.[1] So although it is at this point that the greatest danger of injustice being committed by the strikers lies, still, as there is nothing unusual in endeavoring to get the assistance of others in enforcing just claims, there will consequently be no injustice in the act of picketing "unless the means adopted to induce workers to join the strike and to prevent others from taking up vacant positions in the business against which the strike is declared are unjust in themselves." [2] It is conceded generally by moralists that persuasion and arguments which do not partake of the nature of intimidation, may, in order

[1] Cf. Tanquerey, op. cit., n. 847.
[2] Kelleher, op. cit., p. 12.

to induce others to join the strike, be addressed to the workmen who do not wish to go on a strike as well as to those who might be inclined to fill the vacated positions. If the injustice of the employer is clearly evident and such as gravely affects workers in general, it will not constitute an act of injustice against the employer for the strikers to use moral force to prevent him from carrying on a business in the prosecution of which the claims of justice are violated.

To what extent moral pressure may be brought to bear on others will depend on the nature of the case to which it is applied. It must be remembered that one of the conditions under which pressure is legitimate is that it be "proportionate to the wrong, whether strict or merely equitable, which it is intended to avert or remedy." [1] Theologians concede that the strikers have the right to exclude "scabs" or strike-breakers from the special marks of charity as well as from ordinary amenities and civilities of social life, but they will not allow a denial of those considerations which fundamental social relations demand, such as the selling of the

[1] McDonald, op. cit., p. 445.

necessaries of life at a just price.[1] While the use of unjust fear in any form cannot be permitted, there is no ground for holding the persuasion would be unjust were it enforced by a certain amount of just fear, as for instance, that whoever remained at work after a strike had been declared or whoever took up the work which the strikers laid down, should be ineligible for membership in a particular trade union.[2] It is difficult to fix minutely the limits of what would be just fear in this connection, but in general it may be said that men on strike can "justly endeavor to persuade others to join them by working through their fear of any losses they could justly inflict on them" [3] if that be necessary for the successful prosecution of the strike against an employer who refuses to accede to demands for the removal of injustice against the workers. In such a case the strike-breakers may be regarded as cooperating with the employer to maintain the injustice, e. g., the payment of a wage or the continuance of working conditions

[1] Cf. Genicot, op. cit., n. 22; Lehmkuhl, Theol. Moral., Vol. I, n. 1119.

[2] Cf. Noldin, Theol. Moral., Vol. II, n. 306; Lehmkuhl, op. cit.

[3] Kelleher, op. cit., p. 12.

clearly unjust, and moral force may certainly be used [1] to deter them from materially cooperating in injuring their fellow workmen. Of course, cases may arise where material cooperation would be perfectly justifiable, e. g., if the laborers are in grave need. In this and in the cases "where the wage is 'fair,' it is not lawful to use even moral force against them," [2] at least not to any great extent. The extent to which moral force is permissible will in all cases depend on the nature of the demands refused by the employer and on how far the laborer or strike-breaker is justified in cooperating with the employer in the refusal. When the strike is unjust, strike-breakers are justified in assisting the employer in suppressing the unjust action of the former employees. Their action will also be justified "when their own need outweighs the need of the strikers and cannot be better served by remaining idle." [3]

3. PHYSICAL VIOLENCE

A question of great importance in connection with the conduct of a strike, partic-

[1] Cf. Lehmkuhl, Casus 278, n. 895.
[2] McDonald, op. cit., p. 446.
[3] Ross, Christian Ethics, p. 347.

ularly in relation to picketing, is whether the use of violence is ever permissible or justifiable and, if so, under what conditions and to what extent. It is certain that the use of violence is never permitted in enforcing claims the denial of which by the employer would involve no real injustice to the workers. The use of violence to private individuals is not permissible except in case of self-defence against the injustice of another. Even where the employer is guilty of an act of injustice in refusing the demands "the workers may not injure his person or his property. Such acts involve grave injustice on the part of the strikers, being prohibited by the natural as well as by positive law." [1]

But it may be objected in the case where the strikers are endeavoring to enforce their just claim to a living wage, or to other reasonable conditions of work, "are not those who refuse to strike to be considered *'servata proportione'* as one who has snatched from your hand the only weapon whereby you may repel the unjust assailant of your life? May not those who are compelling their withdrawal be said to lack their 'blameless defence' against an unjust aggressor?

[1] Tanquerey, Theol. Moral., Vol. III, n. 847.

It may be objected that the liberty of those who do not wish to withdraw is violated through compulsion. Cannot the reply be made that liberty ceases where it transgresses another right or impairs the common good? Furthermore, those who do not withdraw take away the only means whereby all may repel force by force, and it is important to the common good that many of the working class be not without the only means of escape from unjust oppression."[1] To these objections Pottier gives no definite answer. If violence is ever permissible, it is only on the fulfillment of certain conditions which will rarely obtain in actual life. In the first place, there must be no other less objectionable means by which the same end could be secured; secondly, it must be certain that the use of violence will prove effective; and finally, the good effects to follow must not only be certain but they must be great in proportion to the evil effects.[2]

To this same question as to the lawfulness of violence, Dr. Ross states that it is justifiable "against the employer or against strike-breakers only if the good effects ob-

[1] Pottier, De Jure et Just., n. 180.
[2] Cf. op. cit., p. 209.

tained are greater than the social disorder resulting from the use of force." He concludes that "this practically will never be so, and the loss of public good-will, frequently the determining factor in the success of strikes, usually offsets any gain by violence." [1] According to the opinions of Pottier and Ross, it would seem that the use of violence in these cases would not be intrinsically wrong, but is forbidden on account of the grave consequences to the general public which would seldom be offset by the good result obtained from the use of violence. Most theologians, however, hold that the "use of violence is prohibited both by the natural and the positive law, and consequently may never be permitted." [2]

Those who maintain that the use of violence as a means of defence against the injustice of the professional strike-breakers and of the employer—who not only denies the workers what is theirs in justice, but often resorts to the use of unjust means to compel the strikers to accept the continuance of the injustice—is always immoral, base

[1] Christian Ethics, pp. 347-48.
[2] Tanquerey, Theol. Moral., Vol. III, n. 847; Vermeersch, op. cit., n. 474.

their conclusions on the statement that "there are other means for safeguarding the rights of the laborers," a statement the truth of which would seem questionable. It is quite true that the State might supply such means, and it would seem also certain that as the State alone has the power to safeguard the workers against manifest injustice it ought to exercise that power. It surely would be for the common good. But as a matter of fact, the State fails to provide the necessary means for safeguarding the laborers' rights to a decent living and reasonable conditions of work. Not only that, but indirectly, at least as it often appears to the strikers, the authority of the law aids the employer in defeating them. The employer realizes full well the advantage afforded by the presence of the officers of the law. It gives his side a decided moral advantage. So employers have at times been accused of having provoked violence in order to create a necessity for their presence. "Investigations, reliable in themselves but not published until the trouble is over, have recently revealed more clearly to the public some of the methods of employers. Sheriff's posses or even State militia, often equipped and

paid by the employers, detective agencies, the successors to strike-breaking organizations, furnish an element that is naturally lawless and easily excited." [1] In the shirt waist strike of New York in the winter of 1909-10, "women pickets were attacked by prostitutes paid high up for stirring up trouble with the pickets." [2] The laborers, who are aware of the actual facts of the case, justify their use of violence under the "fight the devil with fire" formula. They feel that it is at times the only method by which they can safeguard their rights, and it would be very difficult to prove that they are always wrong in their conviction, or that "there are always available other means of safeguarding their rights" against unjust violation.

However, whether the use of violence is ever morally justifiable *in se* or not, evidence would tend to show that resort to violence can seldom be justifiable, inasmuch as the good results to be gained from such methods seldom if ever are sufficient to offset the evil

[1] Groat, Organized Labor in America, pp. 193-4. New York, 1919.

[2] Carlton, History and Problems of Organized Labor, p. 187, New York, 1911; Summer, The Survey, January 22, 1910, p. 553.

results. The laborers themselves are beginning to recognize this full well and union-leaders experienced in strikes are themselves generally the vigorous opponents of violence. John Mitchell, speaking of picketing and the use of violence, says: "Attempts must be made by peaceable methods to prevent the importation of new men and where this has already occurred efforts must be made to induce them or aid them to seek employment elsewhere. Above and beyond all, the leader entrusted with the conduct of a strike must be alert and vigilant in the prevention of violence. The strikers must be made constantly aware of the imperative necessity of remaining peaceable. . . . A single act of violence, while it may deter a strike-breaker or a score of them, inflicts much greater and more irreparable damage upon the party giving than upon the party receiving the blow. Violence invariably alienates the sympathy of the public no matter how just the demands of the men; no matter how unreasonable and uncompromising the attitude of the employer, the commission of acts of violence invariably puts the strikers in the wrong. In the long run

violence acts as a boomerang and defeats its own purpose." [1]

Even if there are not available other means of redress, and if the use of violence were likely to prove successful, "the disorders that would follow any recognition of the claim that violence is lawful in justifiable strikes . . . would bring about a condition of veritable anarchy." And as the conditions created by the exactions of capital or the sufferings of labor "are not of sufficient gravity to justify rebellion against existing political institutions," so the "use of private violence to redress the grievances of labor cannot be too severely condemned." [2] Religion as well as reason "teaches the laboring man and the workman . . . never to employ violence in representing his own cause, nor to engage in riot and disorder; and to have nothing to do with men of evil principles, who work upon the people with artful promises, and raise foolish hopes which usually end in disaster and in repentance when too late." [3]

[1] Organized Labor, pp. 317-318. Philadelphia, 1903.
[2] Ryan, The Church and Socialism, pp. 115, 116.
[3] Leo XIII, On the Condition of Labor.

V

THE MORALITY OF THE SYMPATHETIC STRIKE

a. Against the Same Employer

MODERN labor problems with their many conflicts between capital and labor have brought into prominence a type of strike known as the "sympathetic strike." This kind of strike takes place "when laborers, without personal cause against their employer, suspend work in approval and support of other workers who are striking." [1] Such strike can be directed against the employer of the original strikers or against some other employer not directly concerned with the original dispute. As there is no personal grievance, the question naturally arises whether such a strike is ever justified and if so under what circumstances and to what extent?

[1] Husslein, The World Problem, p. 123.

It is obvious that such a strike can never be justified when the original strike is unjust, for that would be cooperating in the injustice of the strikers. Nor is the sympathetic strike permitted when there exists between the employer and the laborers a valid contract which obliges them to continue working. In this last case they may, if the cause of the strikers be a just one, exert any moral influence they may have with their employer to force him to grant the demands of the strikers, but they may not, to perform a duty of charity, violate an obligation of justice which the valid contract imposes upon them.

But on the supposition that no obligation in justice binds them to continue working, are they ever justified in striking to assist their fellow-laborers in obtaining their just demands? We shall consider first the case where the employer of the sympathetic and original strikers is one and the same person or firm. In such a case "when a sympathetic strike affects only the employer concerned in the original strike it will sometimes be, not only licit, but laudable." [1] Clearly such a course could only be justifiable as a last

[1] Ryan, The Church and Socialism, p. 117.

resort. Not only would reasons of proportionately greater importance and gravity be required to justify such a strike, but it is also required that proportionately greater efforts be exerted to prevent it. If by bringing moral pressure to bear they could force their employer to grant the demands of the strikers, reason would require that the less drastic means be employed. A threat to strike might at times prove sufficient, particularly when coming from the higher classed skilled workers of an industry. That failing, a sympathetic strike may be justified when there is a well grounded hope that such action will be of considerable material assistance in winning the demands of the strikers. For while the employer has a right to the services of his employees as long as he treats them justly, even if there be no contract, still this right is valid "only as long as he does not use the advantage gained from their services for unreasonable ends." [1] Now in the case under consideration the continuation at work of the skilled employees becomes a means of assisting their employer in his course of injustice towards their

[1] Cath. Ency., Vol. VIII, Art. Moral Aspects of Labor Unions.

fellow-laborers—the unskilled employees. Clearly the obligation of the skilled mechanic in such a case yields to the claims of his weaker brethren who are being subjected to unjust treatment by their employer. On the principle that "righteous interference in the cause of the oppressed is justified" [1] a disinterested spectator may come to the relief of a weak man who is being harshly treated by a stronger. So in this instance the sympathetic strike is justified, particularly in view of the fact that by remaining at work they lend material cooperation to the employer in his course of injustice. Furthermore, it often happens that the workers, and particularly organized union laborers, are united by a real and strong bond of trade interest, as well as union agreements which may bind them to act as a unit in enforcing the claims for the removal of injustice of any particular section of the body of workers of the different trades comprised in the union. In such a case a strike of all the employees of a particular firm or employer may be called to enforce the claims of a particular section of workers, viz., the unskilled employees. If the cause is a valid one "this action will

[1] Husslein, The World Problem, p. 125.

usually be lawful and frequently commendable, for it is becoming more and more evident that only by this means can the weaker laborers, the great army of unskilled, obtain adequate protection." [1]

b. *Against Different Employers*

In the case we have just considered the sympathetic strike was against the offending employer or firm, against which the original strike had been directed; we shall now consider an entirely different situation. The oppressed workers having but little hope of winning, appeal for help not only to men in different branches of the same firm, but to laborers of an entirely different firm, which may perhaps be a heavy buyer of the product manufactured by the original firm. Again, the second firm may have been furnishing the raw material necessary for the operation of the industry in which the strike has been called. In any case the object is to bring pressure to bear indirectly on the employer, who is guilty of unjust treatment of his employees, in order that he may be forced to grant their demands. Often in

[1] Ryan, The Church and Socialism, p. 117.

actual practice such sympathetic strikes are extended to several firms. The question is: Are such strikes justifiable? Where a contract or some other grave obligation binds the workers to continue work such sympathetic strikes are never justifiable. On the supposition that there is no bond between the various employers, and that the laborers have no grievance against their own employers, such strikes even where there exist no valid contracts binding the laborers to continue, will, generally speaking, be contrary to both justice and charity.[1] By such a course the sympathetic strikers, without a sufficiently grave reason, inflict very great loss on innocent employers, who seldom if ever have it in their power to grant the demands of the strikers. Such action would constitute an unjust interference with their employers' right to pursue the advantages derived from the prosecution of industry without being unreasonably interfered with by others. By such action the sympathetic strikers often cause their employers to violate their contracts and subject them to many other inconveniences—loss of possible contracts, etc. In such a case, as the

[1] Cf. Ryan, The Church and Socialism, p. 113.

sympathetic strikers have no just grievance against their employer, "the loss inflicted on the employer by this interruption of work will in itself constitute an act of injustice." [1] Furthermore, charity demands that the welfare of their innocent employer be considered rather than that of the employees of another firm. "Propinquity creates for them special obligations, not merely of charity but of justice" [2] towards their own employer.

It might happen, however, in a particular case, that charity would oblige both the laborers and the employer of another firm to assist the strikers in their attempt to secure justice by refraining from business relations with an employer who is guilty of grave injustice. This, reason will surely demand, if they can do so without suffering any serious inconvenience themselves. But such cases are, according to the opinion of most authorities, rare.[3]

While we should not seek lightly to justify any extension of the sympathetic strike principle, yet it would seem that there is greater justification for this second type of

[1] Ryan, op. cit., p. 113.
[2] Op. cit., p. 111.
[3] Op. cit., pp. 116-117.

sympathetic strike than is generally conceded. As a basis for the arguments against this kind of sympathetic strike it is generally supposed that the various employers have little or no interest in one another, other than those of ordinary business relations, and consequently that these outside firms have nothing to do directly with the continuance of the injustice that the employees of a particular firm may be called upon to suffer as a result of the failure of their strike for just conditions of employment. In this moralists fail to consider the fact that very few of the larger industrial corporations are really independent in any true sense of the word, for besides being united into many powerful combinations, such as partnerships, corporations, trusts, etc., of various kinds, with their related and interwoven interests, the great majority of the great industrial and commercial corporations of this country have united in associations such as the "National Manufacturers Association," the "National Erectors Association," etc., with the purpose of assisting one another financially, as well as by moral and economic pressure in resisting the demands of labor.

Within recent years, with the extension of

union organization, began also the organization of the employers, so that the American Federation of Labor now faces the National Manufacturers Association. "As long as the union alone was organized it succeeded. With the organization of the employer, the unions' efforts to secure an increase in the proportion of the products of industry have usually been frustrated. In many cases a rise in the rate of wages is at once offset by a corresponding increase in the price of the commodity. In other cases the unions were overwhelmed by a great array of funds supplied by manufacturers all through the country. In case the wages are increased and the prices raised, the rank and file of the people of the country are forced to pay the bill. When force is resorted to, the unions suffer. It is during the last twenty years that the National Manufacturers Association, the Citizens Industrial Alliance, and the employers' associations in all sections of the country generally have been organized and put on a firm basis. The history of unionism during these decades has been a long succession of failures. Lost strikes, closed shops opened, injunctions of the most sweeping character, adverse court decisions,

and adverse legislative action have all helped to curtail union activity." [1]

Realizing the immense value of the moral pressure wielded by public opinion in deciding the success or failure of a strike, "the National Manufacturers Association, representing most of the prominent manufacturing interests in the United States," decided to enter upon a plan of campaign with a view of winning public opinion to their side in their fight against the demands of labor. Accordingly "in 1907 a fund of a million and a half dollars was agreed upon by the Association as a requisite amount for expenditure during the next three years in 'education' of the public to see the detrimental results of trade-unionism." [2] "The National Association of Merchant Tailors at their annual convention held recently at Atlantic City, N. J., passed a resolution to raise a fund of $500,000.00 for the purpose of combating the closed shop in the trade." [3]

Nor are they always scrupulous as to the methods employed in carrying on their organized campaign against labor. During

[1] Nearing, Social Adjust., pp. 348-49. N. Y., 1916.
[2] Op. cit., p. 349.
[3] Central Blatt and Social Justice, Feb., 1920, p. 353.

the strike against the United States Steel Corporation [1919], which the employees lost, a propaganda "deliberately fostered by the bourbon elements among the employing classes was carried on by the metropolitan dailies with a view to discredit the cause of labor and of progressive social and industrial movements generally," and although the position of the officials of the Steel Corporation was indefensible because it included a refusal to treat with the representatives of the union or any labor union, "yet the metropolitan dailies either defended the attitude of Mr. Gary (the head of the Steel Corporation) or passed it over in complete silence," while they "deliberately and consistently sought to create the impression that it (the strike) was intended as the first step toward a revolution." In this way "the opinion of probably seven-tenths of the disinterested public has been determined by the dishonest tactics and false statements of the metropolitan press." [1] Similar "propaganda was carried on by many daily papers in relation to the strike in the coal fields," [2] and in this way the great force of public opinion

[1] Edit. The Cath. Char. Rev., Dec., 1919, pp. 292-93.
[2] Op. cit.

was unjustly turned against the strikers.

In view of these facts it would seem that many of the arguments adduced against any extension of the use of the sympathetic strike are not so well founded as might be supposed. Very few of the great industrial corporations of this country can be classed as "innocent" and "disinterested" parties in relation to a strike that may be in progress in some particular branch of industry.

While the facts above recorded indicate that "the employers all over the country joined in defending the one company against which the strike was directed," [1] it can hardly be true that the various other companies, against which a sympathetic strike may be called, can be entirely exonerated from participation in the grave injustice to which we suppose the original strikers are subjected. It would seem, therefore, considering the united front presented by the great industrial concerns of this country and especially in view of the fact of the press campaign conducted so vigorously and with such little regard for truth against labor, that, unless allowance is made for some considerable extension of the principle of sympathetic strike

[1] Nearing, Social Adjust., p. 349.

assistance, the laboring class is bereft, at least as long as the State fails to secure just treatment to labor, of the adequate means of protection against the grave injustices to which it is at present in many instances subjected and which capital seeks to perpetuate.

The law of proportion will demand, however, in such cases that, before rendering sympathetic assistance more than ordinary assurance as to the likelihood of a successful outcome be had, because as pointed out by Moore, so far at least "strikes in sympathy with strikers have been notoriously failures," [1] and also because of the greater disturbance that such strikes are likely to cause.

2. THE GENERAL STRIKE

a. The General Sympathetic Strike

ALTHOUGH it might be possible to justify some considerable extension of the sympathetic strike in extreme cases, it will seldom happen that a general extension of the principle of the sympathetic strike will be warranted. The

[1] The Law of Wages, p. 122.

evils to be feared from such a general strike are beyond calculation, so that the good to be obtained would have to be no less great in proportion, a condition that would seldom if ever be realized. Generally the harm inflicted upon countless helpless and innocent sufferers as well as the many moral disorders which such a strike would entail are likely to be out of all proportion to the good that would result. Besides, a general sympathetic strike would almost certainly involve a violation of some just contracts, and, as we have seen above, no strike can be morally countenanced which violates a just contract freely entered into by both parties and where its terms are faithfully carried out by the employer. Furthermore, it would be most unreasonable to demand that the great body of employers and the general public be compelled to suffer such great hardships and injuries as such a strike would surely cause, in order that an offending employer may be coerced into reasonable treatment of a small section of the community. It would be a remedy out of all proportion to the cure. As Dr. Hall points out, "it is an extension of injuries rather than of good. The point of diminishing re-

turns is quickly reached," and well organized labor unions are beginning to realize the fact that "beyond a certain point sympathetic assistance in the form of strikes ceases to assist." [1]

In view of these facts, even though the cause of the original strike be just and the sympathetic strikes involve no violation of contracts, it is reasonable to conclude that "while we cannot be certain that a general strike is never justified, there is against it an overwhelming presumption." [2] So that while it may be true that "wholesale adoption of the sympathetic strike principle is wrong," it would seem to be going too far, as does Dr. Cronin, to maintain that it could "never be justified under any circumstances." [3]

b. Syndicalism

IN order to put an immediate end to the grievances of labor the extreme or radical wing of the socialistic element advocate a policy known as syndicalism,

[1] Hall, Sympathetic Strikes and Sympathetic Lockouts, p. 110.
[2] Cath. Ency., Art. Moral Aspects of Labor Unions, Vol. VIII, p. 726.
[3] The Science of Ethics, p. 368.

"which has for its object the destruction by force of existing organization and the transfer of industrial capital from its present possessor to syndicalists." [1] Believing that there is an irreconcilable conflict between the "classes" which constitute present-day society, they hold that only by a complete revolution of the industrial organization can justice and peace be brought about. They consequently "scorn reform or any compromises." The means by which their object is to be secured is the general strike. Strikes are to be extended from one trade to another until production is arrested all over the whole country. The final aim of the syndicalists, as adopted by the joint congress of trade unionists and socialists held at Nantes is to make the general strike international and so bring about a cataclysm in which they see, or think they see, a rebirth of society and the emancipation of labor.[2]

Syndicalism in this country is represented chiefly by the Syndicalist League of North America which "organized in New York City in October, 1912, the Syndicalist Edu-

[1] Grant, Fair Play for the Workers, p. 272. New York, 1919.

[2] Cf. Clay, Syndicalism and Labor, pp. 3, seq.

cational League." [1] This, we are informed, "is an organization of active propagandists formed for the purpose of spreading the idea of syndicalism, direct action and the general strike among the organized and unorganized workers of America." [2] The Syndicalist League of North America is, however, a propaganda body rather than a labor organization. The Industrial Workers of the World, although generally regarded as Syndicalists, are not really such. It was in opposition to the I. W. W. that the Syndicalist League was established. By association with French Syndicalists, the I. W. W. organization has adopted "certain characteristic strike tactics, a set of foggy philosophical concepts about the General Strike, the militant minority, etc. To this extent the I. W. W. is a syndicalist union." [3] The first attempt made by the I. W. W. to put into operation the syndicalist policy of a general strike took place in connection with the MacNamara trial in 1911. On May 2, 1911, the Industrial Worker car-

[1] Brissenden, Paul Frederick, The I. W. W., A Study of Amer. Syn., p. 274.

[2] Mother Earth, Nov., 1912, Vol. VII, p. 307; Brissenden, op. cit., p. 275.

[3] Brissenden, op. cit., pp. 273-274.

ried in capitals on its front page the following: "Official I. W. W. Proclamation. Arouse! Prepare to Defend Your Class. A general strike in all industries must be the answer of the workers to the challenge of the Master! Tie up all industries! Tie up all production! Eternal vigilance is the price of liberty." [1]

Modern up-to-date syndicalism or sovietism advocates the broadening and deepening of strikes so as to make them "general and militant." Through this means not only is "redress of economic wrongs" to be secured but even "the Government is to be conquered and destroyed." [2]

With regard to the morality of such strikes it may be said "obviously such strikes are wholly immoral, wholly unjust." [3] It has been shown above that any strike which has for its end the destruction or abolition of authority or of the institution of private property must be condemned as immoral. No condition can ever arise that will justify resorting to such extreme and unusual measures. Even if we were certain that

[1] Reprinted in Solidarity, May 20, 1911, p. 4. (Brissenden, op. cit., p. 275.)
[2] Communist Manifesto, p. 10, Wash. Post, Jan. 25, 1920.
[3] Cronin, The Science of Ethics, Vol. II, p. 310.

the general condition of labor would be improved beyond the rosiest dreams of the visionary radicalist such methods could never be justified. Seldom, if ever, even where the cause of the original strikers is grave and just, and where only licit means are used, will the general sympathetic strike be justified. Where both the end and the means are intrinsically immoral a strike can never find justification. Such we have seen is the general character of the strike advocated by the syndicalists.

c. *The Political Strike, Direct Action*

A NEW type of general strike known as the "political strike" has recently come to the fore. Like syndicalism, it is directed against the authorities or Government of the country. Its purpose, however, is not the destruction of authority, but by means of a strike to force the adoption by the government of a certain political program of interest to the laborers. The threatened general strikes of the British coal miners and of the United States railway employees in March, 1920, afford instances of this type of strike. The question arises, are

the railroad employees justified in attempting to enforce their demands for nationalism of the railroads of a country by means of a strike? Would it ever be justifiable for a certain section of the country such as the coal miners to endeavor to compel the Government to adopt a certain political program or policy by means of a strike or by "direct action," as it is called?

On March 10, 1920, the British "National Conference of Coal Miners declared in favor of a general strike as a means of enforcing the demand for nationalization of the mines." [1] However, "the trade union congress, which has a membership of 5,000,000, of which 700,000 are miners, on March 11, voted by a large majority (3,870,000 against 1,050,000) to reject the coal miners' decision for direct action as a means of forcing the Government to nationalize the coal mines." [2] Could such a strike, if called, be justified?

A fundamental consideration, that any strike may be justified, is that the cause espoused be a just one. In the case in question have the railroad employees a just grievance against the Government of the

[1] Washington Times, March 10.
[2] Op. cit., March 11.

country? Were the cause of the strike a demand for a higher wage it would seem that such claim might be just, for according to the Monthly Labor Review, the organ of the U. S. Department of Labor, out of a total of 1,894,287 railroad employees 716,830 were being paid a monthly wage of $95.13 or less, equivalent to an annual salary of $1,141.56, which is certainly quite considerably below a living wage, and 319,491 received $78.68, or less than $932.16 annually.[1] But the cause of the threatened railway strike was not a question of wages, at least not directly. It was a question of national policy which the railroad employees want the Government to adopt—the nationalization of the railroads of the country. Indirectly it might, it is true, affect them, as they feared that they might be less fairly treated were the roads returned to private control. But the real cause is a question of public policy which is of common interest to the whole country, and it being such "no particular section of the community has a real grievance, such as could warrant a strike if it fails to bring the nation at large round to its point of view, or because the accredited

[1] Cf. Monthly Labor Rev., Dec., 1919, p. 235.

representatives of the nation in the constitutional exercise of their authority refuse to accept its suggestion." [1] The public policy of a nation is the general welfare of the country, and the interests of all the citizens as a whole, and not the particular interests of any section of the country, especially when these may seem to clash with the larger interests of the whole country. Were it permissible for a section of the community to veto the actions of the regularly constituted governing body by such a process as a railroad strike or a strike in any of the great public utilities, the demoralization of the Government would result. Such action would be subversive of all law and order. It would be subordinating the welfare of the interests of the whole country to that of a section. Under such a policy the state must soon go to pieces and orderly government give way to chaos. Such would be the inevitable result were any or every combination of individuals allowed to bring the industry of a country to a standstill in order to force Congress or the country at large to its policy of Government ownership of the railroads.

It is possible, however, to conceive in-

[1] Irish Theol. Quart., Oct., 1919, Vol. XIV, p. 370.

stances where the workers or a section of the inhabitants of a nation would have a real grievance against the Government, viz., if the nation's representatives undertook to abolish the Catholic parochial school system or to disfranchise all members of the American Federation of Labor. Here the strict rights of the affected would be invaded, and this would undoubtedly constitute a genuine grievance. So it is possible to have in the political order a grievance parallel to that which constitutes a just cause for a strike in the industrial order. But a labor union or body of workers will not have such a grievance simply because the Government refuses to adopt the political views which appear most beneficial to their interests. However, should the Government violate their rights as human beings or discriminate unjustly on a point of public policy or by special legislation, against the working class as a whole or against a particular section or trade union, then their grievance would be a just one. But even here there could hardly, if ever, be justification for strike action, in as much as there are less drastic methods available for redressing such grievances. Where the grievance is political in

character, the obvious remedy is the exercise of the political franchise. "Labor's opportunity, as its principal leaders realize, lies in gaining control of the Government by orderly constitutional processes and through the medium of existing parties." [1] Where such methods fail it is most unlikely that a strike would be any more successful. To ensure real hope of success it would be necessary to throw the whole nation into a state of great distress and disorder. So it would seem certain that no grievance on the part of a section of the community could justify an action which would have such dire results for the whole community. "Because of the great danger," says Fr. Koch, S.J., a leading economic authority in Germany, referring to the political strike, "which threatens the entire people, as well as the state itself, this form of strike appears to be altogether objectionable from the standpoint of morality." [2] It would seem, therefore, that the political strike would seldom, if ever, be justifiable. But as there can arise a condition such as might justify even a revolution against the abuse of au-

[1] Washington Post, Feb. 25, p. 1, col. 1.
[2] Quoted in The World Problem, Husslein, p. 128.

thority by those in whose hands the welfare and government of the country have been entrusted, so in this, and even in a somewhat lesser grave condition of affairs, a political strike might be fully justified,[1] provided there are valid reasons to believe that through such measures the grave situation would be remedied.

[1] Cf. Macksey, Argumenta Sociologica, pp. 150-151. Rome, 1918.

VI

THE MORALITY OF STATE ACTION IN RELATION TO STRIKE PREVENTION

NATURE AND FUNCTION OF STATE AUTHORITY

A MATTER of great importance in considering strikes is the question of their prevention, particularly the duty of the State in this regard; whether the State may prohibit them altogether, or how far it may go in this direction.

Civil society exists for the sake of those composing it. The promotion of the common weal is the end of its existence. "It is the province of the commonwealth to consult for the common good." [1] Hence the rôle of public authority in any state or society is none other than to direct it towards its end. "The first duty, therefore, of the rulers of the State," says the Encyclical,

[1] Leo XIII. On the Condition of Labor.

"should be to make sure that the laws and institutions, the general character and administration of the commonwealth, shall be such as to produce of themselves public well-being and private prosperity." In order that this end be secured the Government must "act with strict justice, with that justice which is called in the Schools distributive, towards each class." All have sacred claims, the consideration of which the Government is bound to keep in mind in the fulfillment of its duty, for "it would be most irrational to neglect one portion of the citizens and favor another." [1]

The laborer forms an integral part of the living organism of society. He has, therefore, social rights the defence of which constitute a part of the State's function. The laboring class undoubtedly constitute by far the greatest element within the commonwealth, the welfare of which it is the Government's duty to promote. Industrially the prosperity of the entire community is inseparably and vitally connected with his daily toil. "It may be truly said that it is only by the labor of the working-man that

[1] Op. cit.

States grow rich." [1] The public administration is, therefore, under an obligation not merely of charity but of strict justice to provide for the welfare of its laboring classes and it is the duty of every Government duly and solicitously "to provide for the welfare and comfort of the working people" so that "they who contribute so largely to the advantage of the community may share in the benefits they create." [2]

The Governments of the various nations have not always been scrupulously exact in the performance of this sacred duty. The result has been that the laboring class—the great bulk of the community—has at times, and particularly within the last two centuries, suffered greatly because of this neglect. The political "laissez-faire" policy, which removed from the economically weaker element of society all possible hope of redress or assistance from the State, has, as well as the later present century policy, subjected the laboring classes to grave injustices. When the need of the State interference in the economic field forced itself at last upon the Governments, the fatal mistake was

[1] Leo XIII. On the Condition of Labor.
[2] Op. cit.

made of identifying the existence and interests of large fortunes with the industrial prosperity of the country. It was wrongly believed that the duty of the State demanded that these be safeguarded at all hazard, a policy which often meant the sacrifice of the economic welfare of the masses to the interest of the already economically powerful few. All recognize nowadays that the State authorities can no longer maintain a passive attitude towards the struggles and differences that have arisen between laborers and employers. This principle has been laid down by Pope Leo XIII in the following terms, "Whenever the general interest of any particular class suffers or is threatened with evils which can in no other way be met, the public authority must step in to meet them." [1] It is clearly, then, the State's duty to take a hand in abolishing industrial strife which is proving so disastrous to society.

How shall this best be accomplished? There is considerable divergence of opinion on this very important duty. Some would have the State repress all industrial strife by direct legislation. Others would find the

[1] On the Condition of Labor.

solution in compulsory arbitration, while many claim that the question can be solved best indirectly by a combination of State and private effort, which, to be effective, must go back of the industrial strife and strike at and remove the causes operating in the industrial field which produce present-day industrial dissension.

1. GENERAL LEGAL PROHIBITION

HOW far may the State go in prohibiting strikes? The State may always and should prohibit all strikes which are immoral *in se*. There can be no question as to the State's right to prohibit all strikes the direct aim of which is the destruction of all authority or those which certainly involve a grave violation of the sacred rights of others. Such strikes as those of the Syndicalists, which threaten the destruction of the social order, are to be condemned and should be prohibited by law.[1] Not only may such strikes be prohibited, but it might happen that under certain circumstances industrial disturbances of any kind would constitute such a grave menace to the

[1] Cf. Antoine, op. cit., p. 465.

welfare of society or the nation as to justify the prohibition of all strikes for a time. Such a grave situation is very possible during a serious war, when there could be no question of the State's right to prohibit industrial strife for the safety and promotion of higher interests. "For wartime conditions abnormal legislation is required." [1]

Even under normal conditions it might become the duty of the State to prohibit a particular strike, or even all strikes in a certain industry, as a part of its duty in safeguarding the higher rights of society against violation. Such a situation might arise when the interruption of the work, brought about by the strike, very seriously interferes with the public good, as the strike of railroad employees and others engaged in public utilities, public officials, police, etc., or those entrusted in the provisioning of a city. Clearly in such cases it is the duty of the State to do all that lies within its power, at all times, to avert the disastrous consequences of a strike, for it has the obligation, as well as the authority, to safeguard the common good. In fact, "the conservation of the community and all its parts is so em-

[1] Husslein, The World Problem, p. 14.

phatically the business of the supreme power that the safety of the commonwealth is not only the first law but it is the Government's whole reason of existence." [1] However, even in these cases the State will clearly fail in its duty if it prohibit strikes without making any provision whereby the sacred rights of the laborers to a decent and just wage will be safeguarded. If the State, in these cases, by prohibiting strikes, guarantees the inviolability of the employers' property and the general public from injury and at the same time "allows the owners of such industry to keep the wages of the laborers below the standard of a living wage, it is manifestly doing but half its duty." [2] Fr. Antoine holds that if the State does forbid all strikes which interfere with the public service, such as railroad strikes, etc., "the State then owes the workers some compensation for the taking away of their rights." He suggests that, as a means of securing justice for the workers, the State establish a board of arbitration, "the decisions of which should be obligatory on both parties." [3] It

[1] Leo XIII. On the Condition of Labor.
[2] W. Moran, Irish Theol. Quart., Vol. XIV, April, 1919, p. 105.
[3] Economie Sociale, p. 465.

is questionable if compulsory arbitration would prove an effective method of settling industrial difficulties. The experience of Australia, and other countries where such methods have been tried, gives us no such assurance. Unless the State undertakes by legislation to secure to the workers their right to a living wage and reasonable conditions of work, it is to be feared that any such State action might result in disastrous consequences. Even with such provision it is doubtful whether compulsory arbitration would prove effective in settling all difficulties.

Owing to the fact that uninterrupted services in the great public and quasi-public services are immediately and absolutely necessary for the peace and well-being of the whole community, a greater responsibility undoubtedly rests on the employees of such industries. More than ordinary care and deliberation are incumbent on this class of laborers before they can be justified in striking. This being the case there can be no question but they "have a right to be compensated for the extra difficulties which the nature of the work places in the way of the

prosecution of their rights." [1] As it is the duty of the State to provide for the general good, and as the just and generous treatment of the employees in public services is very intimately connected with the general welfare of society, it would seem that the State is bound to provide the fullest machinery for permanently and effectively removing the cause of strife in such services. Unless the State does this it is hard to see how it can be justified in taking away from the employees the ordinary means of self-defence against injustice.

In all cases the State has the right and duty to make use of its authority where disorder, intimidation, violence, or riot supervene, not indeed to put an end to the strike unless that be really necessary to prevent disastrous consequences, but to suppress the disorder. These are not essential to the strike. "When, however, the strikers make use of physical violence this must be prudently put down by the 'force majeure' of the State." [2] "The State has the right to intervene to repress and punish the abuses and violence of the strike," [3] although on

[1] McKenna, The Church and Labor, p. 101.
[2] Parkinson, op. cit., p. 132.
[3] Antoine, op. cit., p. 465.

that account alone it has not the right to prohibit the strike itself. How far the State may go will be determined by the nature and particular circumstances of each individual strike. "Should there be imminent danger of disturbance to the public peace" it is quite "right to call in the help of the authority of the law." The action of the State in such cases "must be determined by the nature of the occasion that calls for such interference." [1] If the use of violence can be controlled or prevented without interfering with the laborers' right to enforce their demands by reason of the strike, then this is obviously the limit of the State's jurisdiction in the matter. Should the use of violence, however, be so general that strikes become a real menace to society, the State has the right to forbid them by law, for the State has the right and duty to see that the rights and common welfare of society are safeguarded. "Should strikes degenerate into an instrument of revolt or threaten the destruction of the social order, in such and similar cases the State can and ought to suspend and even suppress the use of this means of defence. In these circumstances the

[1] Leo XIII. On the Condition of Labor.

strike, being a real and grave menace to the social order, cannot be considered any longer as the exercise of a right." [1] It lacks one or more of the conditions necessary that the strike be considered just. The fundamental justification for the State's action in suppressing all such strikes is the fact that they are unjust, and "when strikes are unjust, because they lack one or more of the necessary conditions, then the State has the right to prohibit them." [2]

But while it is the duty of the State to defend the natural rights of all its citizens, it is neither the duty nor the prerogative so to exaggerate the power of one as to destroy the natural rights of another. The State must, therefore, at all times and particularly when repressing any violence of the strikers, be especially careful not to lend its assistance morally or physically to the continuance of injustice. To the authorities of any State belongs the solemn duty of securing the impartial administration of justice, and particularly that of protecting the weak against a violation of their just and sacred rights. When the State officials, acting on principle,

[1] Antoine, op. cit., p. 465.
[2] Macksey, Argumenta Sociologica, Schol. 5, p. 136.

as has often happened, array themselves on the side of the employer against whom a just strike has been called, they not only grossly neglect their most sacred duty, but they become gravely guilty of cooperating in the injustice of the employer. Such action as is recorded by Adele Shaw in the steel strike number of the Survey (Nov. 8) in connection with the steel strike of 1919, cannot be defended on any score. In the town of Braddock where the people were on strike for the right to organize and bargain collectively, as well as against a twelve-hour day, the sacred rights of the laborers were violated by those whose duty it was to safeguard them against invasion. Not only were the men forbidden by the sheriff of Allegheny County to hold any open-air or indoor meetings, but a warning was sent Father Kazinczy "direct from a high public official that, if he did not stop holding strikers' meetings under the guise of religious services, his church would be closed." This threat failing, without any provocation on the part of the men, "as the congregation poured out of church . . . it was beaten about by State Constabulary who rode up on the steps that led to its very doors." Later

his Sunday School children were clubbed as they left the church. Again a funeral procession which could have easily been called off by an official proclamation, was rudely broken up. "The authorities waited until the procession was slowly making its long length down the street when the troopers rode into it and manhandled the participants." [1] Such action, especially when contrasted with the peaceful behavior of the strikers themselves, cannot be too strongly condemned, as "the first function of authority is to secure that our rights are respected," [2] rather than to lend itself to their violation.

a. Direct Legislation

MORALISTS generally are agreed that the State under the present industrial régime may not by general legislation take away from the laborers the right to strike. "A strike," says Fr. Antoine, "provided it is just, cannot be forbidden absolutely by law," [3] for in such a

[1] The Survey, November 8, 1919.
[2] Card. Mercier, A Manual of Scholastic Philosophy, Vol II, p. 336.
[3] Economic Sociale, p. 465.

case the strikers are but using their natural right of self-defence against the injustice of their employer. Short of State assistance (which States do not supply) laborers have no other means of vindicating their rights. It is largely by organized resistance that they have been able up to the present to obtain the scanty measure of justice accorded them. "No entire class or industrial grade of laborers has ever secured or retained any important economic advantage except by its aggressiveness and its own power of resistance brought to bear upon the employer through the medium of force (economic) or fear." [1] The laborers, under the pressure of economic force, to which they are subjected at the hands of their employers and the general public in its function as consumer, are certain to be subjected to still greater injustices, unless they are able to oppose this pressure in some effective manner—either through State assistance or their own initiative action. As the State does not render the needed assistance, the only weapon left to the laborers to defend their rights against violation is their own action. But only by joint resistance can they effectually safe-

[1] Ryan, The Church and Socialism, p. 105.

guard themselves from grave injustice, or as Monsignor Parkinson states, "the civil authority has no power to annul the inherent right of the workmen to strike, for this is his natural means of defence." [1] Besides the State has the obligation to assist the laborers in the vindication of their rights. "Justice demands that the interests of the poorer people be carefully watched over by the administration. . . . The first concern of all is to save the poor workers from the cruelty of grasping speculators who use human beings as mere instruments for making money." [2]

Under the present condition of civil and industrial society it is clearly "the duty of civil authority to obviate the extreme consequences of economic advantages. However we may explain its power, it is an incontestable fact that civil authority is bound to moderate the sway of superior economic strength. . . . Heretofore, indeed, civil authority has not only failed to restrain but, to a great extent, it has shown itself an ally of superior economic strength. Those who have been stronger economically have been stronger also politically and have not re-

[1] A Primer of Social Science, p. 131.
[2] Leo XIII. On the Condition of Labor.

frained from using their two-fold opportunity to crush their rivals." [1]

It is largely because the State has failed in its duty towards the laboring classes that so many workers are subjected to the injustices that call for concerted resistance to vindicate their claims to justice. Inasmuch as the State, as mentioned above, has at times deprived the workmen of their natural rights in this matter, it must be held directly responsible, at least to a certain extent, for the injustice which in general a very large section of the working class is called on to bear. Should the State then, by absolutely prohibiting all strikes, remove from the laboring class their only means of defence against injustice, it would be doubly guilty. In the case of a just strike neither the employer nor society's strict rights are violated. Were this so it would be the State's duty to safeguard them, even to the extent of prohibiting strikes, if that were necessary. But only the strikers' rights have been violated, and against such violation it is the State's duty to protect the laborers rather than wrest from them their only weapon of defence. To forbid absolutely such a strike

[1] Kelleher, Irish Theol. Quart., Vol. VII, p. 3.

would constitute a violation of the sacred right of the laborers which the State has the solemn obligation to safeguard.

b. Compulsory Arbitration

MR. CRONIN and a few other moralists imagine they have found an adequate solution of the strike problem in compulsory arbitration tribunals, established by State authority, the decisions of which are to be made legally binding on both parties. "In every country," writes Fr. Cronin, "there should be set up special tribunals authorized to deal compulsorily with all questions concerning the nature and conditions of labor, and those tribunals being once set up, both the strike and the lockout should be strictly forbidden as at once unnecessary and opposed to the common good." [1] We can hardly subscribe to this opinion. In the first place it is a sound principle of ethics that State intervention should be resorted to only in grave matters and as a last recourse, where justice to individuals or the welfare of society cannot be secured by private means. "Only where the citizen

[1] The Science of Ethics, p. 371.

cannot help himself must the State come to his assistance," [1] and even here, as Fr. Husslein points out, the purpose should be wisely, "to help others to help themselves."

Fr. Cronin would have these compulsory arbitration tribunals render authoritative decisions on "all questions concerning the nature and conditions of labor." Now there are many questions of minor importance bearing on the labor problem which undoubtedly could be settled equitably without having recourse to such tribunals, and as Cardinal Mercier points out, "far from suppressing private action the State must encourage and foster it in every way." [2] Besides there are questions of grave concern to both the employer and the laborers which do not admit of arbitration, such as the right of association, the right of the laborer to a living wage, etc. It is quite conceivable, with the great balance of economic force on the side of the employers, that they might, through some political influence, secure the setting up of anything but an impartial tribunal. This most of the laborers fear and apparently not without reason. Should such

[1] Husslein, The World Problem; p. 136.
[2] A Manual of Modern Schol. Phil., Vol. II, p. 337.

a tribunal render a decision forcing the laborers to accept a less than living wage, or to labor under unjust conditions, Fr. Cronin would impose on the laborers affected the moral obligation of abiding by such a decision, however unfair or unjust it might be to themselves. He would abrogate the laborers' natural right to strike in deference to such a tribunal on the plea of it being "unnecessary and opposed to the common good." We fail to see how the common good can be adequately safeguarded by a tribunal which might easily, under present or future economic and political conditions, become an instrument of injustice towards a very large portion of society. Since justice, as well as charity, are both compatible with every phase of industrial life, any proposed general remedy for industrial ills that fails to safeguard adequately the claims of both of these must be to that extent deficient as a complete solution of the industrial problem, and consequently should be condemned.

Nor would such a tribunal, on the face of it, be likely to prove an adequate protection against the strike evil. Where the laborers feel that the decision rendered is unjust they are not always likely to abide by such a de-

cision. They will strike in defiance of these laws. This has been the experience in all countries where compulsory arbitration tribunals have been established. Even in Australia and New Zealand, where minimum wage and other beneficial labor legislation have removed many of the causes of industrial strife, the compulsory arbitration tribunal has not proved effective. "Since 1907 no year has passed in New Zealand without its quota of unlawful strikes. In October, 1913, a strike was started by the Waterside Workers Union at Wellington which threatened to be the largest in the history of the colony. . . . The conclusion that may legitimately be drawn from these strikes in New Zealand is that complete State regulation of the labor contract is far from being the universal panacea for industrial disputes. . . . It is very difficult for the State to enforce laws to which a large and strongly organized body of its citizens is opposed. . . . It may be that compulsory arbitration has proved to be a two-edged sword; that it has provided a remedy for many industrial disputes . . . but that at the same time it has given rise to a needless multiplication of disputes, and therefore to a State regulated

contract in many instances where it was altogether unnecessary." [1]

The case of Australia is generally cited by the advocates of compulsory arbitration as conclusive evidence of the success of such a method in preventing strikes. Here, if anywhere, conditions were favorable for proving the worth of such a measure. The labor party which fathered the measure had always been strong politically and "since 1915 has been in control of the commonwealth." [2] The Government has been most active in passing much beneficent labor legislation and in this way removed many of the causes of industrial disputes. As early as "the year 1900 all of the States of Australia had made provision for the establishment of minimum wages." [3] Yet in spite of all this, and notwithstanding the fact that "arbitration was begotten and conceived in the camp of labor," the experiment "has proved a gigantic failure in Australia." [4] While in

[1] O'Grady, A Legal Minimum Wage, pp. 31-32. Cf. Aves, Report to Sec'y of Home Dept., on Wages, Board and Industrial Conciliation and Arbitration Acts in Australia and New Zealand, pp. 103-107; Commons and Andrews, Principles of Labor Legislation, pp. 146-156; Carlton, History of Organized Labor, p. 260.

[2] Commons and Andrews, op. cit., p. 150.

[3] Ryan, Distrib. Just., p. 401.

[4] P. Airey, Arbitration in Australia, The National Review, January, 1920.

the year 1914, 73% of the labor troubles in Australia were settled by direct negotiation between the employer and the employees; 71% in 1915; 63% in 1916; 35% in 1917; and 57% in 1918, arbitration utterly failed to settle the remaining disputes. "The percentage settled by reference to the State and Federal Arbitration Courts was comparatively small." [1] Mr. Kibbs, the Australian statistician, in his Annual Report gives the number of strikes for the years 1914-1918 to be 1,945, distributed as follows: 1914—337; 1915—358; 1916—508; 1917—444; 1918—298.[2] Many of these were very large and not a few in direct defiance of the awards of the Arbitration Courts. At times Federal Government has been compelled by the strikers "in defiance of the arbitration law to override the Court and appoint a 'special tribunal' to adjudicate" the differences. Not only this, but "Australia has enjoyed the spectacle of seeing the Government departments 'pulled up' before the tribunal . . . and having to plead their case in the judicial court for Trades Disputations, which they themselves had set up,"

[1] Airey, op. cit.
[2] Annual Report of the Department of Labor, July, 1919.

and compelled to grant increase in wages although they pleaded "that the financial necessities of the country, drought, civil calamities, and falling revenue would not allow of the granting of such rises as the public servants demanded." [1] The testimony of the Australian statistician given above clearly shows the "land without strikes" is far from being such.

After making a thorough study of the workings of the various legal methods proposed or adopted for the settlement of Industrial strife, the United States Commission on Industrial Relations rendered the following report: "After considering all forms of Government compulsion in industrial disputes and even admitting their partial success in other countries, we conclude that on the whole, in this country, as much can be accomplished in the long run by strictly voluntary methods of avoiding strikes and lockouts. It cannot be expected that strikes and lockouts can be abolished altogether. Even countries with compulsory systems have not succeeded in preventing all of them." [2] Since this report was

[1] Airey, op. cit.

[2] Final Report of the Commission on Industrial Relations, 1915, p. 376.

drawn up the failure of compulsory arbitration to solve the strike problem has become very much more apparent.

Even had compulsory arbitration proved effective in preventing strikes, it would not, therefore, follow that the State would be justified in resorting to such extreme methods. Compulsory arbitration, through a general law prohibiting all strikes, could only be justified where the preservation of the welfare of society demanded such action, and where all less drastic methods have proved ineffective. Compulsory arbitration of itself carries no guarantee that justice will be secure either to the employers or to the laborers. If the State deprives the laborers of their right to enforce their claims to justice by means of a strike, without at the same time securing the establishment of justice in the industrial relationship between the employer and the employee, it is undoubtedly transgressing the limits of its authority [1] and any social system which is based on such a perversion of natural rights is wrong in principle, and a reaction accompanied by disastrous consequences to society is bound to result.

[1] Cf. Vermeersch, op. cit., n. 477 (5).

2. INDIRECT METHODS

THERE can be no question of the State's right to diminish the causes of strikes or to promote the establishment of institutions to which both parties to an industrial controversy may resort for a peaceful settlement of their differences. For as the Holy Father has stated, "Laws should be beforehand and prevent these troubles (strikes) from arising; they should lend their influence and authority to the removal in good time of the causes which lead to conflicts between masters and those they employ." [1] It is quite within the jurisdiction of the State to establish courts of conciliation and arbitration to which the employer and employees may resort for the adjusting of their differences.[2] It would seem, in fact, that the State has an obligation in this respect, for it is the duty of the State to do all that lies within its power to avert these disasters, and experience has shown that in this way many strikes can easily be prevented. Generally where such tribunals are available, laborers are bound

[1] Leo XIII. On the Condition of Labor.
[2] Cf. Garriguet, Regime du Travail, p. 141.

to have recourse to them for the adjustment of their claims, unless, indeed, experience or other grave reasons would justify their prudent conviction of the futility of having recourse to any tribunal. Ordinarily, failure to resort to such a tribunal would call for the condemnation of the strike on the ground of their failure to resort to all the less drastic means available for the enforcement of their just claims—one of the conditions that a strike may be considered morally justifiable.

Not only should the State provide such tribunals but it may have and has undoubtedly the right "to forbid strikes until they first endeavor to settle their differences by arbitration," [1] if such measures be necessary for the safeguarding and promotion of the common good. Compulsory arbitration of industrial differences—as long as the State does not oblige the contesting parties to abide by the decisions of the tribunal—does not abrogate any natural right either of the worker or of the employer. Like the right to private ownership of productive property, the right to strike is not unlimited or abso-

[1] Vermeersch, op. cit., n. 477 (5); Tanquerey, op. cit., n. 850.

lute and can be defended only in so far as it does not interfere with the common good. The State certainly has the right and obligation to impose restrictions on the exercise of both of these rights. The nature of these restrictions will depend on circumstances of time and place, it being always kept in mind by those charged with the exercise of authority in this matter that "the State should interfere only in so far as the common good requires its just and prudent intervention." [1] To the extent to which the State can provide other efficient and less drastic means for the adjustment of differences and the securing of justice to both parties, to that extent may it limit the laborer's right to strike. Experience would tend to show that more can be accomplished in the matter of strike intervention by the establishment of compulsory arbitration tribunals, where the acceptance of decisions rendered is left to the free-will of those directly interested, than by attempting to force the employer and employees.

Many countries are coming to favor a system of arbitration similar to that which, with some modifications, has been in operation

[1] Husslein, op. cit., p. 63.

in Canada since 1907, when an attempt was made to solve the strike problem by the passing of the Industrial Disputes Investigation Act, a form of compulsory investigation and arbitration. The scope of the Act as enacted is to "aid in the prevention and settlement of strikes and lockouts in mines and industries connected with public utilities." [1] In any other industry or trade where a dispute "threatens to result in a lockout or strike, or has actually resulted in a lockout or strike" [2] the provisions of the Act, on the agreement of both parties, may also be applied. In general "the measure applies to industry, the principle of investigation prior to a lockout or strike. It is founded upon the idea of introducing into industry a system of adjusting industrial differences based upon the principle of law and order. It takes away no right of strike or lockout from the parties to the industrial disputes." [3] The Act combines the best features of conciliation and arbitration with investigation. It differs, however, essentially from compulsory arbitration as ordinarily understood. The real significance of the Act has been well set forth

[1] 6-7 Edward VII, Chap. 20.
[2] Op. cit., sec. 63.
[3] Mackenzie King, Industry and Humanity, p. 495.

by the Chief Industrial Commissioner and Chairman of the Industrial Council of the United Kingdom in a report made in the year 1912 to the British Government. In this report Sir George Askwith says: "It (the Act) only endeavors to postpone a stoppage of work in certain industries for a brief period and for a specific purpose. It does not destroy the right of employers or work people to terminate contracts. It does not attempt to regulate details of administration of business by employers or trade unions. It legalizes the community's right to intervene in a trade dispute by enacting that a stoppage either by strike or lockout shall not take place until the community, through a Government Department, has investigated the difference with the object of ascertaining if a recommendation cannot be made to the parties which both can accept as a settlement of the difference. It presupposes that industrial differences are adjustable, and that the best method of securing adjustment is by discussion and negotiation. It stipulates that before a stoppage takes place the possibilities of settlement by discussion and negotiation shall have been exhausted, but it does not prohibit a stoppage

either by lockout or strike if it is found that no recommendation can be made which is acceptable to both sides. If no way out of the difficulty can be found acceptable to both parties there is no arbitrary insistence upon a continuance of either employment or labor, but both sides are left to take such action as they may think fit. As a result, it does not force unsuitable regulations on industries by compulsory and legal insistence, but leaves an opportunity for modifications by the parties. It permits elasticity and revision and, if it does not effect a settlement, indicates a basis on which one can be made." [1] The effectiveness of the Canadian method as compared with the Compulsory Arbitration Law of Australia is quite apparent. During the years 1914-18 the total number of strikes in Canada has been 506[2]—scarcely more than one-fourth the number which occurred in the same period in Australia where illegal strikes numbered 1,945.[3] The effectiveness of the measure of settling the industrial disputes is seen from the fact that

[1] Report to the Board of Trade on the Indus. Disputes Investigation Act of Canada 1907, p. 7. London, 1913.

[2] The Labor Gazette, Dept. of Labor, Canada, March, 1919, p. 278.

[3] Cf. Australian Report, Dept. of Labor, July, 1919.

although the decisions are not obligatory, yet during the period from March 22, 1907, to March 31, 1919, it has failed to avert strikes in only 22 of the disputes that came within the scope of the Act.[1]

A closer acquaintance of the workings of the Act on the part of the employers and laborers in Canada has resulted, as is shown by the Labor Report of Canada in various years, in an increasing disposition on the part of those concerned in the disputes brought before the board to accept the findings of the court, and in a more frequent application of the machinery of the Act to the settlement of disputes in "outside" industries. During the year from March 31, 1918-March 31, 1919, twenty-five such cases were referred to a Board of Conciliation and Investigation, and in all cases an amicable settlement was effected.

However, arbitration, conciliation, or investigation legislation alone can never bring about a permanent settlement of the industrial struggle no matter how successful any such measures may be in effecting temporary settlement of industrial differences when they arise. They, like the Workmen's Com-

[1] Labor Gazette, Dept. of Labor, August, 1919, p. 902.

pensation Act, and the various forms of social insurance legislation, although good and necessary in themselves, fail under present conditions of industry to touch the real heart of the problem. No mere surface legislation will suffice, for the remedy, to prove permanently effective, must strike boldly at the very root of the economic struggle. Not only the present injustices, but their very causes must be remedied and removed. Statistics show that the wage problem has been the source of over fifty per cent of the strikes that have occurred in this country. It is obvious that any legislation that will remove the injustices done to the laborers in this respect will have the result of removing the cause of the larger portion of our strikes. "Proposals for the reform of social conditions are important in proportion to the magnitude of the evils which they are designed to remove and are desirable in proportion to their probable efficacy. Applying these principles to the labor situation, we find that among the remedies proposed, the primacy must be accorded to the minimum wage. It is the most important project for improving the condition of labor, because it would increase the compen-

sation of some two-thirds of the wage earners and because the needs of this group are greater and more urgent than the needs of the better paid one-third. . . . A legal minimum wage is the most desirable single measure of industrial reform because it promises a more rapid and comprehensive increase in the wages of the underpaid than any alternative device that is now available." [1] That such legislation would undoubtedly prove beneficial is evident from the results where the system has been tried out. According to Professor Hammond of Ohio, who conducted investigations during the year 1911-12, the people of Australia have "accepted the minimum wage as a permanent policy in the industrial legislation in that part of the world." [2] In Great Britain under the Trade Board Acts "the beneficial effects of the minimum wage have been even more striking than in Australia." [3]

Experience has shown, then, that such legislation will prove not only beneficial to a very large portion of the laboring class,

[1] Cf. Ryan, Distrib. Just., p. 400.

[2] Amer. Economic Rev., June, 1913. Quoted by Ryan, Distrib. Just., p. 402.

[3] Ryan, op. cit., p. 403; Cf. Wright, Sweated Labor and Trade Boards Act., Chap. III; O'Grady, A Legal Minimum Wage, Chap. VI, VII.

but to society as well. It is clearly, therefore, the duty of the State to enact such legislation, for it is the duty of the State in all circumstances to seek to remove the occasions that may lead to strikes. This is in complete accord with the teachings of Pope Leo XIII, who writes, "when the workpeople have recourse to strike it is frequently because the hours of labor are too long, or the work too hard or because they consider their wages insufficient. The grave inconvenience of this not uncommon occurrence should be obviated by public remedial measures. . . . The laws should be beforehand and prevent these troubles from arising; they should use their influence and authority to the removal in good time of the causes that lead to conflicts between masters and those whom they employ." [1]

The modern system of Capitalism has arisen largely from the disregarding of the sacred rights of the laborer to a reasonable family wage. It continues its work by the warfare of unrestricted competition under a State policy which has guaranteed to the employer the inviolability of his private property while it has at the same time per-

[1] On the Condition of Labor.

mitted the employer to exploit the necessities of the laborers by forcing them to consent to a wage that was far below the minimum of justice. In acting in this way the State has manifestly done "but half its duty. It is failing to defend the laborers' natural right of access on reasonable terms to the sources of supply." [1] Inasmuch as the individual employers have failed not only in their duty to the laborers, but also in their social responsibilities to the State, it is undoubtedly the duty of the State to enforce their observances. "Whether it be considered from the viewpoint of ethics, politics, or economics, the principle of the legal minimum wage is impregnable. The State has not only the moral right but the moral duty to enact legislation of this sort whenever any important group of laborers are receiving less than the living wages." [2]

Yet, however far legislation which provides for a minimum wage, reasonable hours of work, conditions of employment, social insurance, etc., may go towards solving the industrial problem by removing the ostensible causes of the greater number of strikes,

[1] Moran, Irish Theol. Quart., April, 1919, p. 105.
[2] Ryan, op. cit., p. 407.

such legislation of itself is bound ultimately to fall short of being an adequate remedy. Any scheme which fails to breach over the chasm of divergent interests which separates the capitalists from the laboring classes must necessarily be defective. So must also be any attempt made to solve the social problem without the aid of Religion.

"Ultimately the workers must become not merely wage earners but capitalists. Any other system will always contain and develop the seeds of social discontent and social disorder." [1] As long as the present type of industrial system continues with the means of production and the instrumentalities of distribution almost entirely under the control of a few capitalists, while the great bulk of humanity is left dependent on their daily wage, the seeds of industrial strife are bound to germinate. A system of this kind does not make adequate provision for the full development of man's personality. The great body of workers are left without any adequate means of satisfying the natural instinct of property, the failure to satisfy which contributes largely to producing the present unrest among the laborers. The sat-

[1] Ryan, Distrib. Just., p. 425.

isfying of this instinct is necessary that man may become master over his own life in any adequate sense. "Lack of capital deprives the great majority of wage earners of the security, confidence, and independence which are required for comfortable existence and efficient citizenship." [1] John Leitch seems to strike very near the root of the trouble when he states: "Men strike because they are without adequate representation; what is really behind it all (the industrial struggle) is the half-articulated feeling that they should be treated not as mere material but as co-promoters of industry; that there should be dignity in their position and relations." [2] Laborers must be given adequate representation in the field of production and distribution. The majority of the workers "must somehow become owners, or at least in part, of the instruments of production. They can be enabled to reach this stage gradually through co-operative productive societies and co-partnership arrangements. . . . However slow the attainment of these ends, they will have to be reached before we can have a thoroughly efficient system of

[1] Op. cit., p. 213.
[2] Industrial Democracy, p. 28.

production or an industrial and social order that will be secure from the danger of revolution." [1] Wherever the cooperative methods have been tried out to any considerable extent the results have been most encouraging. In England where the cooperative movement has made considerable headway during the past quarter of a century, results have been such that the Whitley Report issued by a Parliamentary committee recommended "as a means of preventing industrial unrest and industrial disputes during the war that labor be given a greater share in industrial management." [2] Profit sharing is but another step forward—the natural progression from labor participation in management. Carried out under certain conditions it is bound to contribute much towards securing to labor a deeper interest in the processes of production and distribution, besides removing many of the causes of labor troubles. Through this system the laborers are enabled all the more readily to become owners of capital and thus satisfy the fundamental craving of the human heart for

[1] Social Reconstruction, Nat. Cath. War Council Pamphlet, p. 22, Wash. D. C., 1919.

[2] Cf. Ryan, Labor Sharing in Management and Profits, Cath. Char. Rev., Feb. 1920, p. 48.

private property. "Taken together, the two devices seem to be the most effective and promising immediate steps toward a reasonable amount of democracy in industry, improved relations between capital and labor, and a larger and better product." [1]

The duty of the State in this matter is clear. It should by the general laws of the country lend every possible aid to the promotion of this end. "The law should favor ownership and its policy should be to induce as many as possible to become owners." [2] Every encouragement should be given also to the formation of industrial unions and to the operation and extension of the principle of collective bargaining between the employer and the employees. In this way the interests of both parties to the trade agreement will be regulated more in accordance with the dictates of justice and the danger of disrupting the peace of society by industrial strife will be considerably lessened.

However, as the issues involved in our industrial disturbances are not purely economic but "fundamentally moral and religious, so their settlement calls for a clear

[1] Cf. Ryan, op. cit., March, 1920, p. 74.
[2] Leo XIII. On the Condition of Labor.

perception of the obligations which justice and charity impose." [1] Pope Leo XIII declared truly that while the social question demands the attention of "the rulers of States, of employers, of labor, of the wealthy and of the working people themselves, . . . all the striving of men will be in vain if they leave out the Church." [2] Only in the light of true philosophical and religious principles can the solution for the great industrial problem be found. The individual, whether employer or laborer, particularly the former, must come to realize that only through a return to the practice of religion, which must effect "a considerable change in human hearts and ideals" of all, can be effected the proper ordering of economic and social relations which will put an end to the necessity of strikes as a means for the establishment and safeguarding of justice.

[1] Pastoral Letter of the Bishops of the United States, Feb., 1920.
[2] On the Condition of Labor.

VII

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